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Incorporation act and by-laws

Max Wyman — State of Universities

Collective Bargaining Symposium

Simon Fraser Report

VOLUME 20 TOME NUMBER 2 NUMÉRO

THE CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ

executive 1971-1972
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INCORPORATING
CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS —
CONSTITUANT EN CORPORATION
L'ASSOCIATION CANADIENNE DES
PROFESSEURS D'UNIVERSITÉ

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Sous-registraire général du Canada.

CANADA

By the Minister of Consumer and Corporate Affairs.

To all to whom these presents shall come, or whom the same may in anywise concern,

GREETING:

WHEREAS, in and by Part II of the Canada Corporations Act, it is, amongst other things, in effect enacted that the Minister of Consumer and Corporate Affairs may by letters patent under his seal of office grant a charter to any number of persons not being fewer than three (3) who, having complied with the requirements of the said Act, apply therefor, constituting such persons and others who thereafter become members of the corporation thereby created a body corporate and politic without share capital for the purpose of carrying on, without pecuniary gain to its members, objects, to which the legislative authority of the Parliament of Canada extends, of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like, upon the applicants therefor establishing to the satisfaction of the Minister of Consumer and Corporate Affairs due compliance with the several conditions and terms in and by the said Act set forth and thereby made conditions precedent to the granting of such charter;

AND WHEREAS

Par le ministre de la Consommation et des Corporations.

A tous ceux qui les présentes verront ou qu'icelles pourront concerner,

SALUT:

ATTENDU que, en vertu de la Partie II de la Loi sur les corporations canadiennes, il est prescrit entre autres choses que le ministre de la Consommation et des Corporations peut, par lettres patentes sous son sceau d'office, accorder une charte à tout groupe d'au moins trois (3) personnes qui, s'étant conformées aux prescriptions de ladite loi, demandent une telle charte les constituant, elles et toutes autres personnes qui pourront devenir membres de la corporation ainsi créée, en une corporation et un corps politique sans capital-actions, aux fins d'accomplir dans plus d'une (1) province du Canada, sans gain pécuniaire pour ses membres, des objets d'un caractère national, patriotique, religieux, philanthropique, charitable, scientifique, artistique, social, professionnel ou sportif, ou des objets analogues, qui ressortissent à l'autorité législative du Parlement du Canada, après qu'elles auront établi à la satisfaction du ministre de la Consommation et des Corporations qu'elles ont satisfait à toutes les exigences énoncées à ladite loi comme conditions préalables à l'octroi d'une telle charte;

ET ATTENDU QUE

have made application for a charter under the said Act, constituting them and such others as may become members in the corporation thereby created a body corporate and politic under the name of CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS — L'ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ for the objects hereinafter mentioned, and have satisfactorily established the sufficiency of all proceedings required by the said Act to be taken, and the truth and sufficiency of all facts required to be established previous to the granting of such letters patent;

ont demandé l'octroi d'une charte sous l'autorité de ladite loi, les constituant, eux et toutes autres personnes qui pourront devenir membres de la corporation ainsi créée, en corporation et corps politique sous le nom de CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS — L'ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ pour les objets mentionnés ci-après, et ont établi qu'ils ont accompli tout ce qu'exige la loi, et démontré la vérité des faits;

NOW KNOW YE that the Minister of Consumer and Corporate Affairs, under the authority of the said Act, does, by these letters patent, constitute the said

SACHEZ MAINTENANT que le ministre de la Consommation et des Corporations, agissant sous l'autorité de ladite loi, constitue, par les présentes lettres patentes, lesdits

GORDIN KAPLAN
ROBERT BERTRAND
ALWYN BERLAND

and all others who may become members in the Corporation a body corporate and politic without share capital under the name of CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS — L'ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ with all the rights and powers conferred by the said Act, and for the following objects, namely: —

et toutes autres personnes qui pourront devenir membres de la Corporation, en corporation et corps politique sans capital-actions sous le nom de CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS — L'ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ avec tous les droits et pouvoirs conférés par ladite loi et pour les objets suivants, savoir:

to promote the interests of teachers and researchers in Canadian universities and colleges, to ad-

la promotion des intérêts des professeurs et chercheurs des universités et collèges canadiens,

vance the standards of their profession, and to seek to improve the quality of higher education in Canada.

The operations of the Corporation may be carried on throughout Canada and elsewhere.

The head office of the Corporation will be situated in Ottawa, in the Province of Ontario.

The said

l'amélioration du degré d'excellence de leur profession et le développement de la qualité de l'enseignement supérieur au Canada.

Les opérations de la Corporation pourront se poursuivre dans tout le Canada et ailleurs.

Le siège de la Corporation projetée sera situé à Ottawa dans la province d'Ontario.

Lesdits

GORDIN KAPLAN
ROBERT BERTRAND
ALWYN BERLAND

are to be the first directors of the Corporation.

And it is further ordained and declared that in the event of the dissolution of the Corporation any assets remaining after payment and satisfaction of the debts and liabilities shall be transferred to an organization or organizations having cognate or similar objects.

And, in accordance with the provisions of section 63 of the said Act, it is further ordained and declared that, when authorized by by-law, duly passed by the directors and sanctioned by at least two-thirds (⅔) of the votes cast at a special general meeting of the members duly called for considering the by-law, the directors of the Corporation may from time to time

(a) borrow money upon the credit of the Corporation;

(b) limit or increase the amount to be borrowed;

sont les premiers administrateurs de la Corporation.

Et il est de plus ordonné et déclaré qu'advenant la dissolution de la Corporation, tout surplus d'actif après l'acquittement de ses dettes et de son passif soit cédé à un ou plusieurs organismes similaires ou apparentés.

Et, conformément aux dispositions de l'article 63 de ladite loi, il est de plus ordonné et déclaré que, s'ils y sont autorisés par règlement dûment adopté par les administrateurs et sanctionné par au moins les deux tiers (⅔) des voix émises à une assemblée générale extraordinaire des membres régulièrement convoquée pour étudier le règlement, les administrateurs de la Corporation peuvent, à l'occasion,

(a) emprunter de l'argent sur le crédit de la Corporation;

(b) restreindre ou augmenter la somme à emprunter;

(c) issue debentures or other securities of the Corporation;

(d) pledge or sell such debentures or other securities for such sums and at such prices as may be deemed expedient; and

(e) secure any such debentures, or other securities, or any other present or future borrowing or liability of the Corporation, by mortgage, hypothec, charge or pledge of all or any currently owned or subsequently acquired real and personal, movable and immovable, property of the Corporation, and the undertaking and rights of the Corporation.

Any such by-law may provide for the delegation of such powers by the directors to such officers or directors of the Corporation to such extent and in such manner as may be set out in such by-law.

Nothing in this section limits or restricts the borrowing of money by the Corporation on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Corporation.

And it is further ordained and declared that the business of the Corporation shall be carried on without pecuniary gain to its mem-

(c) émettre des débentures ou autres valeurs de la Corporation;

(d) engager ou vendre les débentures ou autres valeurs qui semblent appropriées pour les sommes et aux prix jugés opportuns; et

(e) garantir ces débentures, ou autres valeurs, ou tout autre emprunt ou engagement présent ou futur de la Corporation, au moyen d'un « mortgage », d'une hypothèque, d'une charge ou d'un nantissement visant tout ou partie des biens meubles et immeubles que la Corporation possède couramment à titre de propriétaire ou qu'elle a subséquemment acquis, ainsi que tout ou partie de l'entreprise et des droits de la Corporation.

Ce règlement peut prescrire la délégation de tels pouvoirs, par les administrateurs à tels fonctionnaires ou administrateurs de la Corporation, dans telle mesure et de telle manière que peut énoncer ce règlement.

Aucune disposition du présent article ne limite ni ne restreint les emprunts d'argent par la Corporation sur des lettres de change ou billets à ordre faits, tirés, acceptés ou endossés par la Corporation ou en son nom.

Et il est de plus ordonné et déclaré que les opérations de la Corporation doivent être effectuées sans but pécuniaire pour ses mem-

bers and that any profits or other accretions to the Corporation shall be used in promoting its objects.

GIVEN under the seal of office of the Minister of Consumer and Corporate Affairs at Ottawa this twenty-fourth day of November, one thousand nine hundred and seventy.

G. Boucher
for the Minister of
Consumer and Corporate
Affairs.

bres et que tous profits ou autres accroissements de la Corporation doivent être employés à favoriser l'accomplissement de ses objets.

DONNÉES sous le sceau d'office du ministre de la Consommation et des Corporations à Ottawa ce vingt-quatrième jour de novembre, mil neuf cent soixante-dix.

G. Boucher
pour le ministre de la
Consommation et des
Corporations.

BY-LAWS

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SECTION II Objects of the Association
SECTION III Membership
SECTION IV Criteria for Membership
SECTION V Suspension and Termination of Membership
SECTION VI Fees
SECTION VII Officers of the Association
SECTION VIII Election and Appointment of Officers
SECTION IX Council
SECTION X The Board
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SECTION XII Central Office
SECTION XIII Accounts and Audits

SECTION I By-laws

1.1 All previous By-laws of the Association are repealed as from the date of the adoption of the present set of By-laws and their approval by the Department of Consumer and Corporate Affairs.

1.2 The Council may amend these By-laws, upon or without recommendation of the Board, by a two-thirds majority of votes cast at a meeting of Council, provided that at least one month's notice

of amendment is given to members of Council, and provided further that the repeal or amendment of any By-law shall not be enforced or acted upon until the approval of the Minister of Consumer and Corporate Affairs has been obtained.

1.3 For all purposes pertaining to the application of the Canada Corporation Act to the Association,

a) *Association :* means the Canadian Association of University Teachers-Association canadienne des professeurs d'université.

b) *Council :* means the general meeting of the members.

c) *Board :* means the Board of Directors.

d) *Central Office :* means the Head Office.

e) *Organizational members :* means ordinary members.

SECTION II Objects of the Association

2.1 The objects of the Association are to promote the interests of teachers and researchers in Canadian universities and colleges, to advance the standards of their profession, and to seek to improve the quality of higher education in Canada.

SECTION III Membership

3.1 The Association is a federation of recognized provincial associations of faculty associations and of those faculty associations of degree-granting institutions of higher education in Canada which are already members or may be admitted to membership in C.A.U.T. - A.C.P.U. as provided for by Section 4.2 of these By-laws.

3.2 Membership shall be in the following categories:

a) Voting members:

i) *Organizational members :* Recognized provincial associations of faculty associations, faculty associations which are already members and admitted faculty associations.

ii) *Individual members :* The President, Past-President, Vice-President, Members of the Executive Committee, Executive Secretary and Chairman of the Academic Freedom and Tenure Committee shall be admitted to individual membership for the duration of their terms of office, plus such other representatives as the Council may appoint.

b) Non-voting members:

i) *Honorary Members :* Persons who have made notable contributions in their fields or in serving the objects of

the Association may be admitted to honorary membership as provided for in Section 4.3 of these By-laws.

ii) *Associate members :* Persons who are (a) university teachers on the faculty of a university of college where there is no member faculty association; (b) former university teachers; (c) university teachers in other countries who are members of their national faculty association; (d) professors visiting from a foreign country; and (e) such other associate members as Council may approve may be admitted to associate membership as provided for in Section 4.4 of these By-laws.

iii) *Affiliated members :* Individuals become affiliated members of the Association by virtue of their membership in a member faculty association and upon payment of the appropriate fees.

SECTION IV Criteria for Membership

4.1 Provincial associations of faculty associations shall be admitted to membership by Council, on recommendation of the Board, by a two-thirds majority vote, according to the following criteria:

a) representation of 70% or more of the eligible faculty associations or of eligible faculty members within the province;

b) acceptance by the provincial association and its constituents of the principle that affiliation with the provincial association entails membership in the member faculty association and in C.A.U.T. - A.C.P.U.;

c) adoption of a constitution which includes regulations on membership in the Association consistent with the objects of the Association.

4.2 Faculty associations which are already members of C.A.U.T. - A.C.P.U. shall continue their membership subject to the provisions of Section V. Faculty associations not already members shall be admitted to membership by the Council, on recommendation of the Board, by a two-thirds majority vote, according to the following criteria:

a) there shall be a formal application from the faculty association for membership, based on a formal motion adopted at a general meeting of the faculty association, or by referendum;

b) the formal application shall be accompanied by or include the following information:

i) a copy of the constitution of the faculty association;

ii) total number of full-time faculty eligible for membership in the faculty association;

iii) number of full-time faculty presently belonging to the faculty association;

iv) number of members of the faculty association who indicate by formal vote or referendum their willingness to become members of the Association and to pay the membership fees;

c) upon receipt of the formal application, the Executive Secretary, in consultation with the Board or Executive Committee, shall appoint an *ad hoc* visiting committee which will prepare a report for the Board;

d) the visiting committee, and subsequently the Board, will base their recommendation on these two major considerations:

i) *nature of institution :* the institution shall be a degree-granting college or university of sound academic programme, incorporating acceptable terms and conditions of faculty appointment, and having proper provisions respecting academic freedom;

ii) *nature of faculty association :* the faculty association should be governed by a constitution which includes regulations on membership in the Association consistent with the objects of the Association, and should give evidence of sound and vigorous involvement in university activities; normally more than 50% of eligible full-time faculty members must have expressed their intention to join this Association through their local faculty association.

4.3 Honorary members shall be admitted by Council, upon recommendation by the Board.

4.4 Association members shall be admitted by the Board.

4.5 Member faculty associations shall at regular intervals notify the Association of the number of all full-time faculty who are eligible for membership.

SECTION V Suspension and Termination of Membership

5.1 The Board may, by a two-thirds majority vote, suspend and recommend to Council the termination of the membership of an organizational member of the Association under circumstances which may include the following:

a) non-payment of fees and assessments;

b) failure to provide representation at meetings of the Council or Board for a two-year period;

c) adoption of a constitution or of local practices or actions which in the judgment of the Board are contrary to those of the Association; or

d) reduction in faculty association membership below the 50% of eligible full-time faculty judged minimal for membership.

5.2 The Council may, by a two-thirds majority vote, terminate the membership on the Board of any member of the Board as defined in Section 10.4.

5.3 Resignation from organizational membership shall require the following:

a) written notice to the Executive Secretary, supported by a certified copy of the resolution of the member faculty association or provincial association to that effect;

b) such resignation will take effect at the beginning of the fiscal year next following the reception by the Executive Secretary of the above notice and acceptance of such resignation by the Council.

5.4 Resignation of individual members shall require acceptance by the Board of a written notice of resignation.

SECTION VI Fees

6.1 Association fees shall be set by the Board, in accordance with a formula approved by Council at the annual meeting.

6.2 Fees shall be assessed on the basis of a formula, reviewed annually, which takes into account the median salaries by rank of all faculty members as determined nationally by Statistics Canada and the number of members in each rank in each association.

6.3 Fees payable to the Association by member faculty associations are deemed due and payable at the commencement of the fiscal period of the Association for the membership of that year. However, member associations should be encouraged to collect fees by a system of payroll deduction, and those on such a system may remit membership fees on a monthly basis during the fiscal year, with a final payment to be remitted in the last month of the fiscal years of the Association.

6.4 Fees for other members shall be set by the Board.

SECTION VII Officers of the Association

7.1 There shall be the following officers of the Association:

a) *President,* elected for one year by Council at the annual meeting;

b) *Past-President,* who shall serve a term of one year following the election of a new President;

c) *Vice-President,* elected for one year by Council at the annual meeting;

d) *Treasurer,* elected for a one-year term by the Board;

e) *Executive Secretary,* appointed for a fixed term by the Board.

7.2 The President is the chief executive officer of the Association; presides over all meetings of Council, Board, and Executive Committee; signs all documents requiring his signature; fulfills all duties inherent in his office; and discharges such other responsibilities as may be assigned to him by Council, Board, or Executive Committee.

7.3 The Vice-President shall take the place of the President and exercise his powers in case of absence, incapacity, or resignation of the President; and shall discharge such other responsibilities as may be assigned to him by Council, Board, or Executive Committee.

7.4 The Treasurer shall serve as Chairman of the Finance Committee; shall supervise the accounting of the funds of the Association; shall forward the audited statement of revenue and expenditures for each fiscal year; and shall discharge such other responsibilities as may be assigned to him by Council, Board, or Executive Committee.

7.5 The Past-President shall serve as Chairman of the Nominating Committee, and shall discharge such other responsibilities as may be assigned to him by Council, Board, or Executive Committee.

7.6 The Executive Secretary shall attend all meetings of Council, Board and Executive Committee, and shall be responsible for the drafting and distribution of minutes; shall certify resolutions of the Council, Board and Executive Committee; shall be keeper of the seal, minute books, and archives of the Association; shall assure that all Association committees submit an annual written report; shall administer the Central Office and the daily affairs of the Association; and shall assume such other responsibilities as may be assigned by Council, Board, Executive Committee, or by the By-laws.

SECTION VIII Election and Appointment of Officers

8.1 There shall be a Nominating Committee, chaired by the Past-President, who shall appoint two other members to the committee from the list of former Association officers.

8.2 The Nominating Committee shall distribute annually to Council, at the time of the notice of the annual meeting, a slate of nominations for the positions of President and Vice-President,

together with relevant biographical details and assurance of acceptance of nomination by the candidates.

8.3 Additional nominations, duly made and seconded, may be proposed by members of Council at the annual meeting, and should be accompanied by relevant biographical details and assurance of acceptance of nomination by the candidate.

8.4 A simple majority of votes cast shall be required for the election of President and Vice-President.

8.5 The President and Vice-President shall assume office immediately following the annual Council meeting.

8.6 The Treasurer shall be elected by the Board for a one-year term by secret ballot at the first meeting of the Board following the annual Council meeting.

8.7 The Executive Secretary shall be appointed for a fixed term by the Board, on recommendation of the Executive Committee.

SECTION IX Council

9.1 The Council shall meet annually in the Spring, at a time and place determined by the Board.

9.2 Special meetings may be called by the Board on its own initiative at any time, and shall be called on written petition by 10% of the organizational members.

9.3 The Executive Secretary shall send notice of the annual meeting by prepaid post at least 30 days in advance to all voting members and to members of the Board and at least 14 days in advance for any special meeting.

9.4 A quorum of the Council is a majority of the voting members.

9.5 Voting rights in Council shall be accorded to:

a) the President (or official delegate) of each member local and provincial association;

b) the Executive Committee, Executive Secretary, and Chairman of the Academic Freedom and Tenure Committee;

c) such a number of elected representatives of associate members as the Council might authorize.

9.6 A member faculty association which is also a member of a provincial association recognized by the Council may, at its discretion, delegate its Council seat and vote(s) to that provincial association, or regain direct representation, by notifying the Executive Secretary in writing not less than two months before the meeting of Council at which the decision is to take effect.

The Executive Secretary must in turn notify the other members of Council prior to the meeting.

9.7 A procedural motion for weighted voting on any question before the Council other than the election of officers, supported by one-third of the members present and voting, shall carry.

9.8 The official delegate of each member faculty association (but not of provincial associations) shall then be granted a weighted vote based on the paid Association membership in his association as of the month preceding the meeting of Council. The vote shall be weighted in accordance with the following formula:

1st 200 paid Association members	1 vote
201-600 paid Association members	2 votes
601-1200 paid Association members	3 votes
1201 or more paid Association members	4 votes

9.9 Secret ballots shall be mandatory for the election of Association officers, and may be called for on any other issue by 10% of the voting members.

9.10 The duties of Council shall include the following:

a) to elect the President and Vice-President of the Association;

b) to recommend the amendment of the letters patent by a two-thirds majority vote;

c) to amend the By-laws by a two-thirds majority vote;

d) to impose and remove censure;

e) to establish the fee formula, on recommendation of the Board;

f) to establish Association policy;

g) to admit to membership provincial associations of faculty associations and faculty associations, on recommendation of the Board by a two-thirds majority vote, in accordance with the provisions of Section 4.1 and 4.2 of the By-laws;

h) to terminate membership of organizational members, and of members of the Board, by a two-thirds majority vote, in accordance with the provisions of Sections 5.1 and 5.2 of the By-laws;

i) to admit Honorary members, on recommendation of the Board;

j) to receive reports from the Board;

k) to appoint an auditor annually;

l) to report to the membership on its activities through distribu-

tion to member faculty associations of the minutes of its meetings and such other means as it may decide.

9.11 Council shall retain all powers not specifically conferred upon the Board or which are not of a purely administrative nature.

9.12 Any affiliated member may attend meetings of Council as an observer, and may request Council for permission to address it, but may not vote; he may however be excluded by a simple majority of votes cast.

SECTION X The Board

10.1 The Board shall meet four times a year, and may have special meetings at the call of the President, or by written petition of 10 members of the Board, at a time and place determined by the President upon advice of the Executive Committee.

10.2 The Executive Secretary shall send notice of meetings of the Board by prepaid post at least 14 days in advance to all members of the Board.

10.3 A quorum of the Board shall be a majority of the members.

10.4 The Board shall have 25 members, including:

a) 5 *ex officio* members: the President, Past-President, Vice-President, Executive Secretary, and Chairman of the Committee on Academic Freedom and Tenure;

b) 20 general members, elected according to the formula below:

i)

Paid Association members in recognized Provincial, Territorial, Regional or Federal Grouping	General members on Board
1 — 1,000	1
1,001 — 2,500	2
2,501 — 4,000	3
4,011 — 7,000	4
7,001 — 10,000	5
10,001 — 15,000	6

ii) If the application of this formula does not total 20 general members, Council shall elect the remaining members-at-large.

10.5 Half of the general members of the Board shall in the first election be elected for 1-year terms, and half for 2-year terms; in subsequent elections general members shall be elected for 2-year terms.

10.6 Elections shall be conducted separately for each province:

a) recognized provincial associations shall conduct elections at the time of, or shortly preceding, the annual Council meeting, for the number of general members provided by the above formula among the organizational members of C.A.U.T. - A.C.P.U. in the province;

b) where no recognized provincial, territorial, regional or federal association exists, the Presidents (or official delegates) of each of the members associations from these areas, meeting together at the time of the annual Council meeting, shall elect the number of general members provided for by the above formula, among the faculty associations in the province.

10.7 Not more than one general member of the Board may be elected from the same member faculty association.

10.8 No one may be elected or appointed to the Board who is not an individual or affiliated member of the Association.

10.9 The members of the Board shall continue in office until the end of the meeting at which their successors are elected or appointed.

10.10 The Board shall fill all vacancies created on the Board for the balance of unexpired terms, on the recommendation of the provincial association concerned.

10.11 All matters before the Board shall be decided by a majority of votes cast, unless otherwise specified in the By-laws.

10.12 The Chairman shall vote only in case of ties.

10.13 The Board shall have the following duties:

a) to approve the Association budget, and set the fees in accordance with the formula approved by Council;

b) to elect the general members of the Executive Committee, and to elect one of these as Treasurer for a fixed term;

c) to review Executive Committee actions;

d) to establish Association committees, and either name their members or delegate authority for so doing;

e) to recommend to Council on admission to membership of provincial associations and faculty associations;

f) to approve applications for associate membership, and to recommend Honorary members to Council;

g) to establish interim guidelines on issues pertaining to the objects of the Association;

h) to propose policy to Council for approval, and where necessary to act on such policy between meetings of Council;

i) to implement Council policies and resolutions;

j) to administer the affairs of the Association;

k) to appoint the Executive Secretary and other professional members of the Central Office;

l) to establish policy on salaries and fringe benefits of professional staff;

m) to encourage communication between the provincial associations of faculty associations;

n) to exercise such other authority as Council may delegate to it.

10.14 Any affiliated member may make representations to the Board at any time respecting matters relating to the objects of the Association.

SECTION XI Executive Committee

11.1 The Executive Committee shall meet as required, and at least prior to each Board meeting.

11.2 The Executive Secretary shall send notice of meetings of the Executive Committee by prepaid post at least 7 days in advance to all members.

11.3 The Executive Committee shall be composed of 7 members:

a) 3 *ex officio* members: the President, Past-President, and Vice-President;

b) 4 general members elected by the Board, one of whom shall be elected by the Board as Treasurer.

11.4 The Board shall elect the general members of the Executive Committee from among its own elected membership at the first meeting of the Board following the annual Council meeting.

11.5 The quorum for the Executive Committee shall be a majority of the members, each of whom shall have one vote.

11.6 All matters before the Executive Committee shall be decided by a majority of votes cast.

11.7 The Executive Committee shall have the following duties:

a) to implement actions and resolutions of the Board;

b) to make recommendations to the Board on policy matters;

c) to discharge duties of the Board between meetings of the Board;

d) to recommend on appointment of Executive Secretary and other professional staff;

e) to report regularly to the Board on its activities;

f) to discharge such other duties as the Board or Council may specifically delegate to it.

SECTION XII Central Office

12.1 The Central Office of the Association shall be maintained in Ottawa, at such place as the Board may from time to time designate.

12.2 The Executive Secretary, Associate Executive Secretaries, and Assistant Executive Secretaries are under the direction of the Executive Committee, except as provided by resolutions of the Council or Board, or the provisions of the By-laws.

12.3 The Executive Secretary, Associate Executive Secretaries, and Assistant Executive Secretaries are *ex officio* members of the Association.

12.4 Annual salaries, fringe benefits and working conditions of the support staff of the Central Office shall be determined by the Executive Secretary in consultation with the Treasurer.

12.5 All appointments to the professional staff shall be regarded as term appointments, for a specified term, and shall be eligible for terminal leave as specified in the terms of appointment.

12.6 A Special Reserve Fund shall be established to be known as the Terminal Leave Fund, proceeds from which are to be used as required in accordance with the provisions for terminal leave applicable to members of the full-time professional staff of the Association.

SECTION XIII Accounts and Audits

13.1 Organizational members shall be entitled to a travel subsidy for each Council meeting in accordance with regulations established by the Board.

13.2 A Special Reserve Fund shall be established in the amount of $16,500., to be known as the Academic Freedom Defense Fund. Payments from this Fund must be recommended by the Committee on Academic Freedom and Tenure and authorized by a committee consisting of the President, Executive Secretary, and Treasurer. Not more than $5,000 may be spent from this Fund on any one case without special authorization from the Board. The Fund shall be replenished at the beginning of each year and this amount will be charged as an expense against income for the current fiscal year. Additions to the Academic Freedom Defense Fund may be made by resolution of the Board.

13.3 The signing officers for the Association shall be determined by resolution of the Board.

13.4 The Association shall carry bonding on all persons authorized as signing officers.

13.5 The Association shall carry travel insurance covering all members of the Council, the Board, and the Executive Committee, and all other Association committees when travelling on Association business.

13.6 The fiscal year of the Association ends on 30 June.

13.7 The books of account shall be audited annually, and the reports of the auditor shall be submitted by the Treasurer to the annual meeting following the end of the fiscal year.

RÈGLEMENTS

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ARTICLE I Règlements

1.1 Tous les règlements antérieurs de l'Association sont révoqués à compter de la date de l'adoption des présents règlements et de leur approbation par le ministère de la Consommation et des Corporations.

1.2 Le Conseil peut modifier ces règlements, avec ou sans la recommandation du Bureau de direction, par un vote des deux tiers des membres présents et votant lors d'une réunion du Conseil, à condition qu'un avis de modification d'au moins un mois soit donné aux membres du Conseil et pourvu que la révocation ou la modi-

fication de tout article du règlement ne sera pas mise en vigueur ni appliquée avant d'avoir reçu l'approbation du ministre de la Consommation et des Corporations.

1.3 Pour tout ce qui a trait à l'application de la Loi sur les corporations canadiennes à l'Association,

a) *Association* désigne l'Association canadienne des professeurs d'université — Canadian Association of University Teachers.

b) *Conseil* désigne l'assemblée générale des membres.

c) *Bureau de direction* désigne le conseil d'administration.

d) *Secrétariat* désigne le siège social de l'Association.

e) *Membres constituants* désigne les membres ordinaires.

ARTICLE II Buts de l'Association

2.1 L'Association a pour objectifs de défendre les intérêts des professeurs et des chercheurs des universités et collèges du Canada, de travailler au relèvement des normes de leur profession et de chercher à améliorer la qualité de l'enseignement supérieur au Canada.

ARTICLE III Les membres

3.1 L'Association est une fédération de groupements provinciaux reconnus d'associations de professeurs et d'associations de professeurs d'institutions canadiennes conférant des grades de formation supérieure admises ou susceptibles d'être admises comme membres de l'A.C.P.U.-C.A.U.T. en conformité avec l'article 4.2 des présents règlements.

3.2 Les membres se groupent dans les catégories suivantes:

a) Membres votants:

i) *Membres constituants :* groupements provinciaux reconnus d'associations de professeurs et d'associations de professeurs admises.

ii) *Membres individuels :* le président, le président sortant, le vice-président, les membres du Comité exécutif, le secrétaire général et le président du Comité de la liberté universitaire et de la permanence de l'emploi sont admis comme membres individuels pendant la durée de leur mandat, y compris tout autre représentant que le Conseil désire nommer.

b) Membres non votants:

i) *Membres honoraires :* des personnes qui ont apporté une contribution notoire dans leur discipline ou au service de l'Association peuvent être admises comme membres hono-

raires comme le prévoit l'article 4.3 des présents règlements.

ii) *Membres associés :* des personnes qui sont a) professeurs d'université appartenant au corps professoral d'une université ou d'un collège où il n'existe pas d'association de professeurs membre; b) d'anciens professeurs d'université; c) des professeurs d'université d'autres pays qui sont membres de leur association nationale; d) des professeurs en visite d'un pays étranger; et e) tout autre membre associé approuvé par le Conseil peuvent être admis à titre de membres associés ainsi qu'il est prévu à l'article 4.4 des présents règlements.

iii) *Membres affiliés :* les professeurs individuellement deviennent membres affiliés de l'Association en vertu de leur appartenance à une association membre et sur versement de la cotisation appropriée.

ARTICLE IV Conditions d'admission

4.1 Les groupements provinciaux d'associations de professeurs sont admis comme membres par le Conseil sur recommandation du Bureau de direction par un vote des deux tiers des membres présents et votant, d'après les critères suivants:

a) que le groupement provincial représente 70 pour cent ou plus des associations admissibles ou de professeurs de la province susceptibles d'être admis.

b) qu'il accepte en principe, ainsi que ses membres, que l'affiliation à l'association provinciale comporte l'appartenance à l'association membre et à l'A.C.P.U.-C.A.U.T.

c) qu'il adopte des statuts comportant des règlements régissant l'appartenance à l'Association qui soient compatibles avec les objets de l'Association.

4.2 Les associations de professeurs qui sont présentement membres de l'A.C.P.U.-C.A.U.T. conservent leur qualité de membres en accord avec les prévisions de l'article V. Les associations de professeurs qui ne sont pas membres sont admises par le Conseil, sur recommandation du Bureau de direction, par un vote des deux tiers des membres présents et votant, d'après les critères suivants:

a) que l'association de professeurs présente une demande formelle d'admission fondée sur une motion formelle adoptée lors d'une assemblée générale de l'association de professeurs ou par référendum;

b) que la demande soit accompagnée des renseignements suivants:

i) les statuts de l'association de professeurs;

ii) le nombre global de professeurs à temps complet admissibles dans l'association;

iii) le nombre de professeurs à temps complet qui appartiennent à l'association;

iv) le nombre de membres de l'association qui ont manifesté par un vote formel ou par référendum leur désir d'appartenir à l'Association et de verser la cotisation;

c) en recevant la demande officielle, le secrétaire général, après avoir consulté le Bureau de direction, ou le Comité exécutif, nomme un comité spécial de visite qui dresse un rapport à l'intention du Bureau de direction;

d) le comité de visite, et ensuite le Bureau de direction, fondent leur recommandation sur les deux principales considérations suivantes:

i) *Caractère de l'institution :* l'institution doit être un collège ou une université conférant des grades et ayant un programme universitaire valable, qui possède des conditions acceptables de nomination des professeurs et des conditions appropriées régissant la liberté universitaire;

ii) *Caractère de l'association de professeurs :* l'association de professeurs doit être régie par des statuts qui comportent des règlements d'admission dans l'association compatibles avec les buts de l'Association et doit fournir la preuve d'une participation saine et énergique aux activités universitaires; normalement, plus de 50 pour cent des professeurs à temps complet admissibles doivent avoir exprimé leur intention d'adhérer à cette Association par l'entremise de leur association locale.

4.3 Les membres honoraires sont admis par le Conseil sur recommandation du Bureau de direction.

4.4 Les membres associés sont admis par le Bureau de direction.

4.5 Les associations membres doivent, à intervalles réguliers, faire connaître à l'Association le nombre de professeurs à plein temps qui sont admissibles comme membres.

ARTICLE V Suspension et désaffiliation

5.1 Le Bureau de direction peut, par un vote des deux tiers des membres présents et votant, suspendre et recommander au Conseil la désaffiliation d'un membre constituant de l'Association dans des circonstances qui peuvent inclure les cas suivants:

a) le non paiement des cotisations et prélèvements;

b) le défaut de se faire représenter aux réunions du Conseil ou du Bureau de direction pendant une période de deux ans;

c) l'adoption de statuts ou de pratiques ou approbation d'activités qui, de l'avis du Bureau de direction, sont contraires aux objectifs de l'Association; ou

d) la réduction du nombre de membres au-dessous de 50 pour cent du nombre de professeurs à plein temps admissibles jugé minimal pour que l'Association soit admise comme membre.

5.2 Le Conseil peut, par un vote des deux tiers des membres présents et votant, écarter du Bureau de direction tout membre du Bureau tel que défini à l'article 10.4.

5.3 La démission d'un membre constituant est assujettie aux conditions suivantes:

a) un avis présenté par écrit au secrétaire général et appuyé par une copie certifiée conforme de la résolution de l'association des professeurs ou de l'association provinciale membre à cet effet;

b) une telle démission entre en vigueur au début de l'année financière qui suit la réception de l'avis par le secrétaire général et l'acceptation de la démission par le Conseil.

5.4 La démission des membres individuels exige l'acceptation par le Bureau de direction d'un avis de démission donné par écrit.

ARTICLE VI Cotisations

6.1 Les cotisations de l'Association sont établies par le Bureau de direction suivant une formule approuvée par le Conseil à la réunion annuelle.

6.2 Les cotisations sont établies d'après une formule, révisée annuellement, qui tient compte de la médiane des traitements de tous les professeurs, déterminés à l'échelle nationale par Statistique Canada, et de la distribution des membres de chaque association de professeurs selon le rang académique.

6.3 Les cotisations payables à l'Association par les membres des associations de professeurs sont tenues pour exigibles et payables au début de l'exercice financier de l'Association pour les effectifs de l'année en cours. Il faudrait, toutefois, encourager les associations membres à percevoir les cotisations par retenues à la source et celles qui ont recours à un tel système peuvent verser leur cotisation mensuellement pendant l'exercice financier en faisant un dernier versement le dernier mois de l'exercice financier de l'Association.

6.4 Les cotisations des autres membres sont établies par le Bureau de direction.

7.1 L'Association a les dirigeants suivants:

a) *Président,* élu pour une année par le Conseil, à la réunion annuelle;

b) *Président sortant,* qui a un mandat d'une année après l'élection d'un nouveau président;

c) *Vice-président,* élu pour une année par le Conseil à la réunion annuelle;

d) *Trésorier,* élu par le Bureau de direction pour un mandat d'une année;

e) *Secrétaire général,* nommé par le Bureau de direction pour un mandat fixe.

7.2 Le président est le principal dirigeant de l'Association; il préside toutes les réunions du Conseil, du Bureau de direction et du Comité exécutif; il signe tous les documents qui exigent sa signature; il remplit toutes les fonctions que comporte son poste; il s'acquitte des autres responsabilités qui peuvent lui être assignées par le Conseil, le Bureau de direction ou le Comité exécutif.

7.3 Le vice-président remplace le président et exerce ses fonctions en cas d'absence, d'incapacité ou de démission; il s'acquitte de toutes autres responsabilités qui peuvent lui être assignées par le Conseil, le Bureau de direction ou le Comité exécutif.

7.4 Le trésorier est président du comité des finances; il surveille la comptabilité des fonds de l'Association; il transmet les états vérifiés des recettes et déboursés pour chaque année financière; il s'acquitte de toutes autres responsabilités qui peuvent lui être assignées par le Conseil, le Bureau de direction ou le Comité exécutif.

7.5 Le président sortant joue le rôle de président du comité des candidatures et s'acquitte de toutes autres responsabilités qui peuvent lui être assignées par le Conseil, le Bureau de direction ou le Comité exécutif.

7.6 Le secrétaire général assiste à toutes les réunions du Conseil, du Bureau de direction et du Comité exécutif et est chargé de la rédaction et de la distribution des procès-verbaux; il atteste les résolutions du Conseil, du Bureau de direction et du Comité exécutif; il est gardien du sceau, du registre des procès-verbaux, des archives de l'Association; il veille à ce que tous les comités de l'Association soumettent un rapport annuel par écrit; il administre le secrétariat et les affaires courantes de l'Association; et il assume les autres responsabilités qui peuvent lui être confiées par le Conseil, le Bureau de direction, le Comité exécutif ou les règlements.

ARTICLE VIII Élection et nomination des dirigeants

8.1 Le comité des candidatures est présidé par le président sortant, qui désigne deux autres membres en puisant dans la liste des anciens dirigeants de l'Association.

8.2 Le comité des candidatures distribue tous les ans au Conseil, en envoyant l'avis de réunion annuelle, une liste de candidats au poste de président et de vice-président en même temps que des notices biographiques et une attestation d'acceptation des candidatures par les candidats.

8.3 D'autres candidatures, dûment présentées et appuyées, peuvent être présentées par des membres du Conseil à la réunion annuelle et doivent être accompagnées de notices biographiques et d'une attestation d'acceptation de la part des candidats.

8.4 Le président et le vice-président sont élus à la majorité simple des votes déposés.

8.5 Le président et le vice-président entrent en fonction immédiatement après la réunion annuelle du Conseil.

8.6 Le trésorier est élu par le Bureau de direction au scrutin secret et pour un mandat d'une année, à la première réunion du Bureau de direction qui suit la réunion annuelle du Conseil.

8.7 Le secrétaire général est nommé pour un mandat fixe par le Bureau de direction, sur recommandation du Comité exécutif.

ARTICLE IX Conseil

9.1 Le Conseil se réunit annuellement, au printemps, au moment et au lieu déterminés par le Bureau de direction.

9.2 Le Bureau de direction peut convoquer des réunions spéciales de sa propre initiative, à tout moment, et doit en convoquer sur pétition écrite de 10 pour cent des membres constituants.

9.3 Le secrétaire général envoie les avis de réunion annuelle, par courrier affranchi, au moins 30 jours à l'avance, à tous les membres votants ainsi qu'aux membres du Bureau de direction et au moins 14 jours à l'avance s'il s'agit d'une réunion spéciale.

9.4 Le quorum du Conseil est la majorité des membres votants.

9.5 Ont droit de vote au Conseil:

a) le président (ou le délégué officiel) de chaque association locale et association provinciale membre;

b) le Comité exécutif, le secrétaire général et le président du Comité de la liberté universitaire;

c) un nombre de représentants élus parmi les membres associés selon l'autorisation du Conseil.

9.6 Une association de professeurs membre qui est également membre d'une association provinciale reconnue par le Conseil, peut, si elle le désire, déléguer son siège et son droit de vote(s) au Conseil à l'association provinciale ou récupérer son droit de représentation directe en avertissant par écrit le secrétaire général pas moins de deux mois avant la réunion du Conseil où la décision doit prendre effet. Le secrétaire général à son tour avise avant la réunion tous les autres membres du Conseil.

9.7 Le président du Conseil doit accepter toute motion de procédure demandant un vote pondéré sur toute question déposée devant le Conseil, à l'exception de l'élection des dirigeants, pourvu que cette motion de procédure soit appuyée par un tiers des membres présents et votant.

9.8 Un vote pondéré selon le nombre de membres de l'association qui ont versé leur cotisation à l'Association en date du mois précédant la réunion du Conseil peut être accordé au délégué officiel de chaque association membre (à l'exception des associations provinciales). La pondération du vote est calculée de la façon suivante:

les premiers 200 membres en règle de l'Association	1 vote
de 201 à 600 membres en règle de l'Association	2 votes
de 601 à 1,200 membres en règle de l'Association	3 votes
1,201 ou plus membres en règle de l'Association	4 votes

9.9 Le scrutin secret est obligatoire pour l'élection des dirigeants de l'Association et peut être exigé sur toute autre question par 10 pour cent des membres votants.

9.10 Les fonctions du Conseil sont notamment les suivantes:

a) élire le président et le vice-président de l'Association;

b) recommander la modification des lettres patentes moyennant un vote des deux tiers des membres présents et votant;

c) modifier les règlements moyennant un vote des deux tiers des membres présents et votant;

d) imposer et lever la censure;

e) établir la formule de cotisation sur recommandation du Bureau de direction;

f) établir la politique de l'Association;

g) admettre comme membres les groupements provinciaux d'associations de professeurs et les associations de professeurs, sur recommandation du Bureau de direction, par un vote des deux tiers des membres présents et votant, suivant les dispositions des articles 4.1 et 4.2 des présents règlements;

h) retirer l'affiliation aux membres constituants et aux membres du Bureau de direction, moyennant un vote des deux tiers des membres présents et votant, suivant les dispositions des articles 5.1 et 5.2 des règlements;

i) admettre les membres honoraires sur recommandation du Bureau de direction;

j) recevoir les rapports du Bureau de direction;

k) désigner un vérificateur chaque année;

l) faire rapport aux membres de son activité par la distribution aux associations de professeurs membres les procès-verbaux de ses réunions et par tous autres moyens dont il peut décider.

9.11 Le Conseil conserve tous les pouvoirs qui ne sont pas spécifiquement conférés au Bureau de direction ou qui ne sont pas d'un caractère purement administratif.

9.12 Tout membre affilié peut assister aux réunions du Conseil en tant qu'observateur et peut demander au Conseil la permission de prendre la parole, mais ne peut pas voter; il peut cependant être exclu à la majorité simple des votes déposés.

ARTICLE X Bureau de direction

10.1 Le Bureau de direction se réunit quatre fois par année et peut tenir des réunions spéciales sur convocation du président ou pétition écrite de dix (10) membres du Bureau, au moment et au lieu déterminés par le président sur avis du Comité exécutif.

10.2 Le secrétaire général envoie les avis de réunion du Bureau de direction par courrier affranchi, au moins 14 jours à l'avance, à tous les membres du Bureau de direction.

10.3 Le quorum du Bureau de direction est la majorité des membres.

10.4 Le Bureau de direction est formé de 25 membres, à savoir:

a) 5 membres *d'office :* le président, le président sortant, le vice-président, le secrétaire général et le président du Comité de la liberté universitaire et de la permanence de l'emploi;

b) 20 membres généraux élus d'après la formule suivante:

i) Membres en règle de l'A.C.P.U.-C.A.U.T. faisant partie des regroupements provinciaux, régionaux, territorial et fédéral reconnus.

	Membres généraux au Bureau de direction
1 - 1,000	1
1,001 - 2,500	2
2,501 - 4,000	3

4,001 - 7,000	4
7,001 - 10,000	5
10,001 - 15,000	6

ii) Si l'application de cette formule n'aboutit pas au total de 20 membres généraux, le Conseil élit les autres membres à titre de membres hors-cadres.

10.5 La moitié des membres généraux du Bureaux de direction, au moment de la première élection, sont élus pour des mandats d'une année et la moitié pour des mandats de deux années; aux élections subséquentes, les membres généraux sont élus pour des périodes de deux ans.

10.6 Les élections se font séparément pour chaque province:

a) les groupements provinciaux reconnus tiennent leurs élections au moment de la réunion annuelle du Conseil ou peu de temps avant, pour élire parmi les membres constituants de l'A.C.P.U.-C.A.U.T. de cette province le nombre de membres généraux prévus d'après la formule ci-dessus;

b) lorsqu'il n'existe pas d'association provinciale, régionale, territoriale ou fédérale reconnue, les présidents (ou délégués officiels) de chacune des associations membres de ces régions, réunis au moment de la réunion du Conseil, élisent parmi les associations de professeurs de la province le nombre de membres généraux prévus d'après la formule ci-dessus.

10.7 Au plus un membre général du Bureau de direction peut être élu par une association.

10.8 Nul ne peut être élu ou nommé au Bureau de direction s'il n'est par un membre individuel ou affilié de l'Association.

10.9 Les membres du Bureau de direction demeurent en fonction jusqu'à la fin de la réunion à laquelle leurs successeurs sont élus ou nommés.

10.10 Le Bureau de direction remplit toutes ses vacances pour le reste des mandats inexpirés sur recommandation de l'association provinciale intéressée.

10.11 Toutes les questions soumises au Bureau de direction sont tranchées à la majorité des votes déposés, à moins de dispositions contraires des règlements.

10.12 Le président ne vote qu'en cas de partage égal des voix.

10.13 Le Bureau de direction a les fonctions suivantes:

a) il approuve le budget de l'Association et fixe les cotisations d'après la formule approuvée par le Conseil;

b) il élit les membres généraux du Comité exécutif et l'un de ces membres comme trésorier pour un mandat fixe;

c) il revoit les actes du Comité exécutif;

d) il établit les comités de l'Association et en désigne les membres ou délègue le pouvoir de les désigner;

e) il recommande au Conseil l'admission des associations provinciales et des associations de professeurs;

f) il agrée les demandes d'admission comme membre associé et recommande les membres honoraires au Conseil;

g) il établit des lignes de conduite intérimaires sur des questions relatives aux buts de l'Association;

h) il propose des politiques au Conseil pour les faire approuver et, si c'est nécessaire, il applique ces politiques entre les réunions du Conseil;

i) il met en vigueur les politiques et résolutions du Conseil;

j) il administre les affaires de l'Association;

k) il désigne le secrétaire général et les autres membres professionnels du secrétariat;

l) il établit la politique relative aux traitements et aux avantages sociaux du personnel professionnel;

m) il encourage les communications entre les groupements provinciaux d'associations de professeurs;

n) il exerce tous les autres pouvoirs que le Conseil peut lui déléguer.

10.14 Tout membre affilié peut présenter des doléances au Bureau de direction à tout moment, à propos de questions qui ont trait aux buts de l'Association.

ARTICLE XI Comité exécutif

11.1 Le Comité exécutif se réunit selon les besoins et au moins avant chacune des réunions du Bureau de direction.

11.2 Le secrétaire général envoie les avis de réunion du Comité exécutif par courrier affranchi, au moins 7 jours à l'avance, à tous les membres.

11.3 Le Comité exécutif se compose de 7 membres:

a) 3 membres *d'office :* le président, le président sortant et le vice-président;

b) 4 membres généraux élus par le Bureau de direction dont l'un à titre de trésorier.

11.4 Le Bureau de direction élit les membres généraux du Comité exécutif parmi ses propres membres élus, à la première réunion qui suit la réunion annuelle du Conseil.

11.5 Le quorum du Comité exécutif est la majorité des membres, chacun détenant une voix.

11.6 Toutes les questions soumises au Comité exécutif sont tranchées à la majorité des voix déposées.

11.7 Le Comité exécutif a les fonctions suivantes:

a) il exécute les actes et les résolutions du Bureau de direction;

b) il fait des recommandations au Bureau sur des questions de politique;

c) il remplit les fonctions du Bureau de direction entre les réunions de celui-ci;

d) il fait les recommandations pour la nomination du secrétaire général et des autres membres du personnel professionnel;

e) il fait rapport régulièrement au Bureau de direction sur ses activités;

f) il s'acquitte des autres fonctions précises que le Bureau de direction ou le Conseil peut lui déléguer.

ARTICLE XII Secrétariat

12.1 Le secrétariat de l'Association est maintenu à Ottawa, à l'endroit déterminé par le Bureau de direction.

12.2 Le secrétaire général, les secrétaires généraux adjoints, et les assistants au secrétaire général sont placés sous la direction du Comité exécutif, sauf pour ce qui est prévu par résolution du Conseil ou du Bureau de direction ou par les règlements.

12.3 Le secrétaire général, les secrétaires généraux adjoints, et les assistants au secrétaire général sont d'office membres de l'Association.

12.4 Le traitement annuel, les avantages sociaux et les conditions de travail du personnel de soutien travaillant au secrétariat sont déterminés par le secrétaire général en consultation avec le trésorier.

12.5 Toutes les nominations des membres du personnel professionnel sont considérées comme des nominations d'une certaine durée ou pour une période déterminée et tous sont admissibles au congé de fin de service, ainsi qu'il est spécifié dans les conditions de nomination.

12.6 Il est établi une caisse de réserve spéciale dite Caisse de congé de fin de service, dont les recettes doivent être utilisées selon les

besoins et en conformité avec les dispositions qui régissent les congés de fin de service applicables aux membres du personnel professionnel à temps complet de l'Association.

ARTICLE XIII Comptes et vérification

13.1 Les membres constituants ont droit à une indemnité de déplacement pour assister à chacune des réunions du Conseil, en conformité des règlements établis par le Bureau de direction.

13.2 Il est établi une caisse de réserve spéciale du montant de $16,500 dite Caisse de défense de la liberté universitaire. Les déboursés sur cette caisse doivent être recommandés par le Comité de la liberté universitaire et de la permanence de l'emploi et autorisés par un comité formé du président, du secrétaire général et du trésorier. Il n'est pas permis de prendre sur ce fonds plus de $5,000 pour un même cas sans autorisation spéciale du Bureau de direction. Le fonds est comblé au début de chaque année et le montant en est imputé à titre de dépense sur les rentrées de l'exercice financier en cours. D'autres montants peuvent y être versés sur résolution du Bureau de direction.

13.3 Les dirigeants autorisés à signer au nom de l'Association sont désignés par résolution du Bureau de direction.

13.4 L'Association est munie de cautions pour toutes les personnes autorisées à signer.

13.5 L'Association est munie d'assurance-voyage pour tous les membres du Conseil, du Bureau de direction et du Comité exécutif et les membres de ces divers comités qui se déplacent pour le compte de l'Association.

13.6 L'exercice financier de l'Association se termine le 30 juin.

13.7 Les livres de comptabilité de l'Association sont vérifiés tous les ans et les rapports de vérification présentés, par le trésorier, à l'assemblée annuelle qui suit la fin de l'année financière.

résolution du conseil le 20 novembre 1971.

The new C.A.U.T. by-laws are being reviewed and approved by the Department of Consumer and Corporate Affairs. The new constitution will become effective July 1, 1972.

Les nouveaux Règlements de l'A.C.P.U. sont en voie d'être examinés et approuvés par le ministère de la Consommation et des Corporations. Le nouveau status sera en vigueur le 1er juillet 1972.

Max Wyman

THE STATE OF UNIVERSITIES

Max Wyman is president of the University of Alberta where he has taught since 1943. He received his Ph.D. at the California Institute of Technology and worked for N.R.C. for 3 years before returning to Alberta. He became president in 1969 after being Vice-President, Academic.

1. *The attack on educational institutions.*

Although it has become somewhat trite to talk about a crisis in higher education, I wonder how many of us realize that our educational institutions are now in a "State of Siege", and how few are left who are willing to man the barricades in defense of the institutions which have provided us with the major part of our culture and a significant part of our wealth ? Our educational institutions are now under attack from society, from staff, and from students, and the ferocity of that attack has already closed the doors of some universities, and is in the process of driving many more to the point of collapse.

The hostility society now displays for its educational institutions is dangerous, and its effects are now becoming readily visible to the university community. With the approval of society, governments are

cutting the rates of educational spending, but too quickly and too harshly, and therefore society is in danger of destroying something that should be nurtured and preserved. This hostility has now found its way into our homes, as the disenchantment of the parents is translated into the disenchantment of the children, and the result has been the loss of a post-secondary education to about 100,000 of the young people of Canada.

There is no question that the mood of the nation is against spending, and that the high costs of education have turned the nation against the universities. However, as important as money may well be in determining the mood of our people, there is a much deeper philosophical reason for the mood of the nation. I should like briefly to discuss both of these points.

2. *Disillusionment with the results of education.*

My first point is concerned with the current disillusionment over the results of university education.

The release of nuclear energy some twenty-five years ago, with its obvious importance, and the successful launching of Sputnik I about fourteen years ago, with its obvious drama, made the peoples of the world realize the power the acquisition of knowledge could give, and an aura of glamour came to surround the pursuit of knowledge. However, the search for power was not enough, and during the 1950's and 1960's, a cult of education began to permeate the world. This cult took on the nature of a religious faith, a faith that believed educational systems could and would solve all of the social and economic problems of the world. This was a goal no educational system could hope to accomplish and when, in spite of the billions of dollars spent on education, there was an increase in our social problems, and a severe intensification in our economic problems became evident, the nation turned hostile to its educational institutions. Now the leaders of the nation seem to have launched an all-out attack on those institutions. I will return to this point in a moment.

3. *The concern over spending.*

My next consideration is the rising concern over the cost of education.

For years, the Economic Council of Canada was the high priest of the cult of education, and over and over again extolled the economic gains that active support of education could give. Now, even this "Defender of the Faith" has turned, and currently accepts the thesis that our educational systems are inefficient, and the supposed

or so-called efficiency of the business world must now be applied to our educational systems. More recently, the Education Committee of the Alberta Chamber of Commerce has published a document called "A Position Paper on Education in Alberta" which accepts this theme with a vengeance. When I say that the language of this document is intemperate, its use of statistics is naive, and its conclusions are presented in a polemical style without proof, it is not my intention to provoke a confrontation between town and gown, a confrontation that will do no one any good. It is my desire to bring these two groups together so that they will speak the same language, use valid statistical analyses, and obtain conclusions which are capable of proof.

In the preamble to this document, we find the statement:

> One of the principal reasons for the Alberta Chamber of Commerce deciding to prepare a submission in respect of education, is the realization that the cost of education is becoming completely out of hand. We have "a tiger by the tail" and we have to do something.

Since these are intemperate words, I would like to ask what is this "tiger by the tail" about which we have to do something ? Let me use the data given for the University of Alberta to illustrate the points I wish to make.

3(a). *Increased costs and what they bought.*

For 1959-60 the full-time enrollment of the University of Alberta is given as 5,337 and by 1969-70 the corresponding enrollment is given as 17,354, an increase of 225%. Again for 1959-60 the operating budget was $8,616,000 and this increased to $53,525,000 by 1969-70, an increase of 521%, with the somewhat obvious, if unstated, conclusion that about 300% went down the drain in some way or other. Is this the "tiger by the tail" ? I think not, and I think not for the following reasons.

The given data can be made to yield the following information. During that ten year period, student enrollments increased by 12.5% per year, and the University budget increased by 20.1% per year. However, during that ten year period, inflation occurred at an annual rate of 2.5% per cent. So that when one discounts these percentage in a proper way, out unit costs measured in comparable dollars increased by 4.2%. The question is: What did the University of Alberta do with that 4.2% ?

First, the University increased salaries. With enrollments tripling all over this continent a seller's market was created for qualified

staff, and an institution with a goal to pursue excellence could not ignore that market.

Second, in the period from 1960 to 1970, the University of Alberta experienced its greatest growth of excellence, a growth that was not equalled during any other time in its history. From a university with a severely limited research capacity and a severely limited graduate enrollment, there emerged a university with a major research capacity and a major graduate enrollment. Undergraduate innovations were made. Major computer facilities were obtained, and the University of Alberta was the first university in Canada to have a Department of Computing Science. During that time, our library grew to over 1,000,000 volumes. The equipment for language laboratories was obtained, and the teaching of all languages became quite different from what it was ten years ago. Such changes permeate the University and the University now bears little resemblance to the University of 1959-60.

If in fact we were doing now the same things in the same way as we were doing them ten years ago our unit cost would have shown a significant decrease, but we are not. This University sought quality and this University obtained quality. This University does not apologize for that which was sought nor that which was obtained. The cost to the people of this Province has not been excessive.

3(b). *Measurement of efficiency.*

I wish to move now to the second complaint that we hear. Is the University less efficient in its operations than the world of business ? I think not, and I also think the efficiency of the business world is a myth.

The efficiency of the world of business is a myth because that world itself has not contained the high cost of living, nor has that world been able to cope with unacceptable high rates of unemployment. From that world, we have examples of land values increasing from $500 per lot to $13,500 for the same lot some ten years later. During the same period of time, costs of construction doubled, and mortgage interest rates rose from about 6% to more than 10%. The net result of all of this is that people were buying homes in 1970 with monthly mortgage payments that were three times as much as the corresponding monthly payments for similar homes bought ten years earlier. Even today construction costs are rising by 1% per month. These phenomena hurt us all far more than do the present costs of education.

Lest you gain the impression that I am against the world of business, let me assure you that I am not. I realize full well the

contribution that this sector of our community has made to the much more than adequate standard of living this country now enjoys. All that I am trying to say is that the problems of exponential growth so evident in the world of education have their counterparts and their analogues in the world of business.

What we must realize is that the conventional wisdom of our present economic theories has failed us all, and the world is waiting for new ideas, and big ideas that will lead us out of the economic morass in which we find ourselves.

The high costs of education, health care, welfare, general living, and high rates of unemployment are a matter of concern to everyone. More important, we must find our way out together, or we shall not find our way out at all. It is time we forgot about the 1960's, and move together to solve the problems the 1970's have brought or will surely bring.

4. *The question of productivity.*

I have already said that society shows signs of turning away from its universities because the universities have not solved society's problems. In addition, a new pastime of measuring the productivity of universities seems to have been discovered, and articles have now appeared in which the claim is made that the productivity of universities has decreased during the past ten years. Although the true productivity of universities is often recognized by the authors of these articles, it is dismissed as being impractical and impossible to measure, a conclusion which I dispute. A proper measure of the productivity of universities cannot ignore the Salk vaccine type of discoveries that take place in universities, discoveries that make the leg brace and iron lung artifacts of our historical past, rather than important medical tools of our immediate future. The millions of dollars now being saved by the elimination of the health care treatment of poliomyelitis, and the millions of man-hours of work that are no longer lost because of this scourge must be calculated when attempts to measure the productivity of universities are made.

Further, a proper measure of the productivity of universities cannot ignore the fact that the modern electronic computer was first discovered and built in a university setting by university type people. This tool, which is still in its infancy, has already made a major impact on the economic welfare of our nation.

So I say that when the credit for the increased productivity of our nation is being assessed, our universities must receive their rightful share, and it is a matter of equity that our staff and students be

allowed to participate in the division of the increased wealth of our nation.

5. *What can be done ?*

In this address I am not making a plea for more money, which we badly need, I am not making a plea to stall the criticisms of our educational system, which now surrounds us everywhere we go. Universities are conservative institutions and I agree they must adopt adequate mechanisms to enable them to react to the multitude of changes that now envelop our way of life. But I am pleading here for a proper understanding of our problems and a proper respect for the work we do or could do with your support.

Without apologizing for what universities have done in the past, it must be conceded that they must become better in the future. Innovations must be made, but they will not be made without your help, your sympathy, and your respect.

Today we are graduating several hundred new alumni of this University. We are in effect "seeding" informed views among the general public of what is good about our university system.

It is therefore my hope that both privately and through your professional and alumni associations each of you will create support for the university system.

In his book *No Easy Victories*, John W. Gardner says all that need be said with the words:

> "Universities don't spring up in the desert nor in primitive societies. A great university is the product of a great cultural tradition and a vital civilization. It can flourish only in a society that has the will to nurture such a tradition and the vitality to support it. It will not flourish if the civilization that supports it decays."

COLLECTIVE BARGAINING SYMPOSIUM

The terms of reference of the Collective Bargaining Committee call for the Committee to "gather information (and) recommend . . . on the nature of various forms of collective bargaining and their implications to faculty and faculty associations."

One of the first decisions of the Committee was to commission from among its members several working papers on different aspects of the problems surrounding the notion of "collective bargaining" and subsequently the Committee agreed to request space in the C.A.U.T. *Bulletin* for presentation of a symposium on collective bargaining.

The Collective Bargaining Committee plans to have a report before the C.A.U.T. Executive Committee in the spring of 1972 and hopes to profit in the production of such a report from any views stimulated by this symposium. Views, favorable and otherwise, are solicited from readers and should be submitted to: Collective Bargaining Committee, c/o C.A.U.T. Central Office, 66 Lisgar Street, Ottawa.

Arthur P. Monahan
Chairman
Collective Bargaining Committee

COMMITTEE ON COLLECTIVE BARGAINING

(a) To gather information concerning collective bargaining for professional groups with special reference to experience in the academic communities in Canada, the United States and Britain.

(Resolution of the Executive Committee, April 1971)

(b) To recommend to the Executive on the nature of various forms of collective bargaining and their implications to faculty and faculty associations.

(Resolution of the Executive Committee, June 1971)

MEMBERS

B. Brody (Industrial Relations) Montréal

R. Dubinski (English) Waterloo

A. P. Monahan (Philosophy) St. Mary's

P. Walmsley (Commerce) Saskatoon

Bertrand Dionne (Central Office) C.A.U.T.

NOTES on SOME VALUES to be CONSIDERED in RELATION to FORMAL COLLECTIVE BARGAINING

It must be recognized that "collective bargaining" is a term that describes *any* form of discussion or negotiation between two bodies. In the university, "collective bargaining" may range in scope from informal discussions between faculty association and board of governors on salaries, to formal salary negotiations (as recommended in the C.A.U.T. Guideline), to other stages all the way to formal collective bargaining agreements on salaries and terms and conditions of employment within the "blue collar" model of union-management contract.

In the notes that follow, it is assumed that some form of collective bargaining exists at all Canadian universities, that in many cases the mode of collective bargaining deprives faculty of authority in establishing faculty interest, and therefore that more formal arrangements should be agreed upon in order to assure a proper role to faculty in the ongoing dialogue on such matters as economic benefits. At the same time, consideration of certain academic-values may help to define what modalities of collective bargaining are preferable in universities, as distinct from industry or the civil service.

A. *University Governance*

(i) In theory, and relatively in practice, faculty plays a crucial role in university governance. Over half of Canadian universities have faculty members sitting on the Board of Governors (an evolutionary step that many faculty have come to think is a mixed blessing). Many universities have faculty representatives on top-level budget or budget-review committees. Appointment committees and committees recommending merit increases, promotions, contract renewals and the granting of tenure all have faculty representation, though rarely are they under faculty control.

Formal collective bargaining agreements whether in industry or in the civil service formalize the relationships between one body which establishes policy (management), and another which implements it (labour, or "personnel"). In the United States, many universities under formal collective bargaining agreements have still-unresolved conflicts as to whether "management" — i.e., department heads and deans — can belong to a union since they are considered to be responsible for personal decision-making. It is

perhaps significant that at The Université du Québec à Montréal, where a union affiliated with C.S.N. has had a strike in the course of working out a collective bargaining agreement, the union had to appeal to the Department of Labour against the administration's insistence that department heads may not belong to the bargaining unit since they represent management. More generally in Canada, the evolution has been toward term appointments for chairmen of departments and for deans, who, moreover, are elected or selected by faculty, or by committees with strong faculty representation. Chairmen therefore -- and to a much lesser degree, deans — are considered to be spokesmen for faculty before administration, and not merely deputies of administration. Any discussion of formal collective bargaining must consider the degree to which faculty participation, if not determination, in the area of faculty selection, promotion and retention can be preserved and enhanced; or, obversely, to what degree the codifying of labour-management roles may serve for or against faculty determination of hiring-firing policies and procedures, as well as of budget-making or review.

(ii) Similar questions need to be raised in relation to the decision-making powers which govern the basic functions of the university. C.A.U.T. has always insisted on the principle that in the determination of academic matters: admissions, degree requirements, courses of study, modes of teaching, awarding of scholarships, degrees (etc.), the faculty IS the university [1] The primacy of faculty in decision-making is embedded in departmental committees, faculties, councils and senates(rather than in faculty associations). That primacy must be maintained. It may sometimes even have to be protected from the temptations of the bargaining table in relation to economic benefits and terms and conditions of employment.

(iii) Arising from these considerations, there is a grey area that is likely to prove problematic in collective bargaining negotiations. The determination of work-loads, class size, staff-student ratios, office hours, time allocations for teaching — research — committee work or other para-administrative responsibilities all relate to terms and conditions of employment, and to the need of professional associations (or unions) to protect working conditions and staff welfare. But they relate also to a professional commitment to the quality of professional services, to the advancement of learning, to the pursuit of academic excellence. Clearly, the concerns of faculty associations and of faculty departments and councils or senates in these areas over-lap and can make for confusion, if not

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1. Contrary to a common assumption (always opposed by C.A.U.T.) that universities are, or are like, corporations, and therefore should be run like corporations. The best analysis of this fallacy is in Donald C. Rowat, "The Business Analogy" **A Place of Liberty** (ed. [George Whalley]), Toronto, 1964, pp. 73-85.

conflict. Should collective bargaining agreements codify teaching loads, office hours (and hours of required presence on campus), staff-student ratios ? Allocations of time to teaching and research and student advising and administrative or committee duties ?

B. *Faculty Welfare, Economic Benefits, Job Security*

The protection and enhancement of faculty welfare (salaries, fringe benefits, vacation periods, etc.) is the most obvious focus for collective bargaining agreements and requires little comment here. Job security (as distinguished from the specific issue of academic freedom and tenure) is likely to prove especially important in this period of budgetary restrictions, faculty cutbacks, rationalization of courses and programmes, etc. Any collective bargaining agreement must recognize that university professors are entitled to as much job security as is enjoyed by other professions and occupational groups. Indeed, a larger proportion of faculty members than is commonly recognized are extremely vulnerable in this respect. The educational commitments that produce a professor in the humanities, in many areas of the social sciences, and in "pure" science, all have extraordinarily low transferability, and the market for these professional talents outside the university scarcely exists. Former options of many scientists and engineers have shrunken drastically with the curtailment of research and development budgets in Canadian industry. The government is creating its own think-tank. In a period of austerity one begins to encounter a new problem for mathematicians and physicists (especially) who are likely to make their best contributions to research while relatively young and then, at 40 or over, are open to challenge for university jobs by a new crop of bright young men (they shoot horses, don't they???). All of which is to say that a fairly aggressive attitude toward job security — distinct from and in addition to the protection of academic freedom — is going to be crucial, even if it needs to be balanced by the responsibility, traditional to professionals, to maintain high professional standards.

C. *Academic Freedom and Tenure*

Given the particular functions of the university, the protection of academic freedom remains of paramount importance, whether one is considering the individual professor, the quality and welfare of the university, or the need society has to preserve the freedom in the university to learn, discover, explore, question, criticise. Academic freedom (and tenure as a protection for academic freedom) can no doubt be negotiated in formal collective bargaining agreements. But the way in which it is negotiated and protected will require unusual care. Unions in North America do not have a dis-

tinguished reputation for protecting individual mavericks, odd-balls, heretics, anti-union workers, political radicals. Their record in relation to ethnic minorities is equally undistinguished. Unions, as much as management, can get caught up in a collective drive to collective benefits that appear to justify harsh treatment for individual deviations, boat-rocking, attention-calling, criticism. Who protects an individual faculty member when the union doesn't want to ? What happens to the fine professor of chemistry (say) who is too critical of his dean and a source of embarrassment to the local union (or association) because he doesn't believe in unions or associations ?

That kind of problem is by no means confined to unions, of course. C.A.U.T. faces it whenever an individual faculty member is not supported in his grievance by his local association, either because he is unpopular on campus, or because the local association prefers (for whatever reason) local regulations to the C.A.U.T. Policy Statement on Academic Appointments and Tenure. Professors presently caught in that box at least have recourse to C.A.U.T. through the Committee on Academic Freedom and Tenure. Would that be the case where the local union becomes *the* official channel for grievances ?

A.F.&T., it should be pointed out, is not always effective in dealing with academic freedom grievances which do not have strong local support. I do not want to suggest that in moving from a voluntary professional association to a union base we will be giving up an infallible defense of academic freedom for an unproven or dubious protection. Nevertheless, the problem remains for any body contemplating formal collective bargaining. How are grievances dealt with ? by whom ? What recourse has a faculty member when the local union refuses to take up his grievance ? How are grievances dealt with when they involve fellow members of the union (not, that is, the grievance of a faculty member discriminated against or unfairly treated by administration, but by fellow faculty members in the same department, or faculty, or university) ? The history of Simon Fraser University over the last 2½ years is one illustration of the problem, to say nothing of other examples in our files.

— Can — or should — C.A.U.T. insist that all collective bargaining agreements must provide for academic (as opposed to industrial or judicial) arbitration of academic disputes ? Should we accept the adjudication of labour relations courts ?

— Can C.A.U.T. insist that it will not recognize collective bargaining agreements that do not include protections for academic freedom, including tenure (by that or any other name) as provided in the C.A.U.T. Policy Statement on Academic Freedom and Tenure ?

The Université du Québec has recently adopted regulations that make no provisions for tenure or for dismissal procedures. Assuming that the local associations reflect these regulations in their collective bargaining agreements (none of which in fact are yet completed): could C.A.U.T. recognize them, or become a party to such agreements ? Or deal with grievances arising from them ?

— Should the principle of tenure be regarded as negotiable ? Placed on the bargaining table along with salaries, work hours and fringe benefits ? Is the university developing in such a way that academic freedom is no longer worth all the fuss ?

Alwyn Berland
C.A.U.T.

Objectives, Organization and Strategies of Employee Associations: an Historical Comment

To try to sum up two centuries of trade union history in a few paragraphs would itself seem a somewhat presumptuous task. To try to abstract from such a thinly drawn piece general principles that might have relevance to the organization and management of power relations in Canadian universities would seem to be reaching toward the ultimate in academic futility. However, since these comments are directed at people who have an interest in and familiarity with the negotiation process the experience of watching someone trying to balance with some appearance of confidence and dignity on such flimsy scaffolding might not be entirely unique.

The first thing that becomes evident to me in looking at the various kinds of protesting organizations that emerged in the late eighteenth and early nineteenth century is that they didn't really know who they were, they didn't understand the rules of the game they were playing, they didn't really know what they were after, and they didn't have any uniform notions about how they should go about improving things. Perhaps this provides sufficient justification in itself for using this period as a point of departure for a discussion concerning certain problems that presently manifest themselves in C.A.U.T.

During the fifty years from about 1790 to 1840 there emerged such organizations as the London Corresponding Society, the Philanthropic Hercules, Owen's Grand National Consolidated Trades Union, the Co-operative Movement, the Chartists and a myriad of other organized attempts to bring about social, economic, political and

moral change. There was considerable overlap of leadership among these various organizations and an emerging commonality of sentiment. But there was a lack of organizational cohesiveness and little agreement concerning the specifics of useful, practical action. From the beginning, even during the period of the General Combination Acts (1800-1824), some unions survived as continuing organizations.

But organizations such as the Grand National Consolidated Trades Union, who got caught up in attempts to lead the impoverished masses toward a New Jerusalem, collapsed. Pressure from the government, the courts and the world of business was vigorous. Fundamentally, however, the grander dreams of working people fell off the edge of periodic downward slopes in the business cycle.

It wasn't until the 1850's with the emergence of the 'New Model' unions that a relatively stable trade union organizational format emerged that had a capability of developing effective strategies for bringing about modest but consistent improvements in wages and working conditions. The implication of this particular solution was the requirement that the units of organization be independently viable from the standpoint of market power and financial capability. This had the effect of limiting trade unionism and collective bargaining mainly to craft groups, though admittedly there were important exceptions such as textile workers and coal miners. For those work groups who had even the small amounts of market power that craft skills gave them it became possible to play the market game. Even if the winnings were small they were apparently sufficient to make the all-or-nothing revolutionary game relatively less appealing. The dream of bringing about a better society was not entirely lost but its attainment was transferred to a newly created political entity, organizationally distinct from the central trade union body. The democratic socialism of labour parties was really 'legal, constitutional' socialism. The New Jerusalem would emerge in small increments as the result of vigorous debate carried on with strict adherence to Robert's Rules. And hopefully there would be time to get the sewage system paid for and the plumbing installed before the advent.

The unskilled masses could not fully participate in the trade union part of this venture until the development of the 'New Unionism' in Great Britain that came about just prior to the turn of the century. Unskilled and semi-skilled workers in North America had to wait until the emergence of the C.I.O. and the industrial unionism drive of the 1930's.

This has beeen the pattern in most industrial nations, especially those who have followed or parallelled the earlier British pattern. In some nations, such as France and Italy where a strong union movement did not develop until quite late, a quite different course was pursued. By this later date Marxist socialism offered a different

substance to the dream and a different strategy for bringing it about. The compromise that traded off the vision of Utopia for a "bit more now" was not made. And of course in all countries there have been individuals and organizations who have attempted to give priority to bringing about a different kind of society with all haste regardless of the costs. Some like the Industrial Workers of the World have had considerable, if short-lived, impact.

This brief historical summary of the trade movement is offered to point up the dilemma that faces all adversary organizations. From its beginning the trade union movement has been drawn toward two strategies; sometimes attempting one, sometimes the other, often vacillating ineffectively between both.

Strategy *One* consists of mobilizing the market power that flows from the work place and using it to bring about incremental improvement in wages and working conditions. Strategy *Two* consists of mobilizing power of any kind available; economic, political or physical, and using it to bring into being a totally different kind of productive and distributive system.

If I have even a small amount of money it may seem reasonable for me to take part in a poker game, accepting existing rules, in the hope of winning a bit more. If, however, I have no money to buy the chips necessary to enter the game my only recourse is to attempt to change the whole structure of game rules. Strategy *One* represents the conclusion that the sensible man will play a crooked wheel if it is the only game in town. Strategy *Two* represents the conclusion that any game which has rules about who can and cannot play, or which rigs the pay-off on the basis of characteristics of the players, should be destroyed or at least drastically changed.

I would suggest that Strategy *One* is essentially a pragmatic approach to the problems of surviving in an imperfect world. Strategy *Two* represents an idealism of the disadvantaged. I would further suggest that university faculty are not in agreement as to which set of values they should identify themselves with. There exists the view that the only realistic approach is to mobilize the power that accrues to the "professor" in the context of the market and use it to improve the terms of the employment bargain that can be demanded. This market strategy seems to be centering itself within regional and local associations. Another view holds that there exist a configuration of fundamental values centering around the notion of "academic freedom." Such values do not represent a real market contribution of any measurable kind and therefore do not offer a basis for power. Rather they represent a sort of academic 'New Jerusalem', Macpherson's university as 'Multiple Fool.' Such a conception seems to provide the focus for C.A.U.T. executive and national office posture.

It would seem to me that the most important question to be raised in respect of power activity among academics is whether or not there exist values that are not negotiable. If this is so it would seem to follow that Strategy *Two* is the only course available. To achieve or maintain these values there can be no trade-off of economic improvements, of the 'influence' implied in 'shared responsibility,' or of increased professional status. On the other hand if all conditions of employment are negotiable as a fact of life Strategy *One* is the only game worth playing.

Concluding Comment

It may seem strange that nowhere in this piece is there any reference to an assessment of collective bargaining systems as such. The Committee was told that collective bargaining in the sense used to establish its terms of reference was pretty narrowly conceived as referring to legislative frameworks, certification and dispute settlement procedures and the like. It is my opinion that these involve only tactical considerations. To treat such tactical considerations as 'important questions' would seem to assume the more significant and basic decisions have been formally made. I am not sure that this is so.

P. Y. Walmsley

MODELS for DETERMINATION of SALARIES and TERMS and CONDITIONS of EMPLOYMENT

The following list of models for faculty participation in determining salaries and terms and conditions of employment is neither complete nor exhaustive. But it attempts to indicate the range of possibilities available to faculty, along with brief consideration of some of the advantages and disadvantages of each model.

A. *Local Models not Involving Faculty Associations*

1. *Individual negotiations with the administration.*

This would maximize the freedom of the individual to make the best settlement for himself. This freedom, however, could be illusory in the absence of relevant information and a context in which to conduct the negotiation. If dissatisfied, the major weapon of the individual is to leave or threaten to leave. A major disadvantage of the system is the temptation to favoritism and special deals with their negative impact on faculty morale. The administration has control over policies determining terms and conditions of employment and the individual has either to accept or to leave.

2. *Faculty representation on budget committee.*

Faculty members, either appointed by the President or the Senate, would serve in an advisory capacity on the budgets committee. This committee would advise the President on all budgetary items and no discussions would take place between the faculty association and the administration. The faculty as a whole would vest their confidence in the faculty members sitting on the budget committee. No formal presentation of salary demands would be made, and if faculty disapproved of the decision, they could either seek to remove their colleagues from the budget committee or resort to sanctions.

3. *Senate establishes the budget.*

All budgetary decisions would be made by a Senate Budget Committee and approved by the Senate. No formal discussions would take place between the faculty association and the Senate. The faculty would accept the authority of Senate as final and would express

disapproval through the Senate only. This system would assume that elected senators are accountable to the faculty and are entrusted with responsibility to act on behalf of their colleagues. Problems arise when the Senate is not dominated by elected faculty.

B. *Local Models Involving Faculty Associations*

1. *Informal discussions between associations and administration.*

The administration would meet with the faculty association and receive its brief on salary and other issues. No negotiations would take place, or if they did, the final decision would be made by the administration. The faculty would either accept the authority of the administration to make unilateral decisions, or if they didn't, they would have to resort to sanctions of some sort. This has been the standard model for universities in the recent past, with only sporadic use of sanctions.

2. *Informal negotiations between association and administration.*

The administration and the association would agree to procedures governing the conduct of negotiations, including steps to be taken to resolve disputes. A document like the C.A.U.T. Guidelines on Salary Negotiations provides a model for this system. The association would have an opportunity to represent the interests of its members in a more effective way and would have the assurance that the final decision was either jointly agreed to by the administration or arbitrated by a third party.

3. *Formal Collective Bargaining under Existing Labour Legislation.*

Though existing labour legislation seems to permit certification of faculty associations as bargaining agents for the faculty, several features of the law may be unattractive to faculty. Dispute resolutions is by strike or lock-out, with no provision for binding arbitration. Problems exist over the definition of the bargaining unit (e.g. will deans, chairmen, etc., be excluded), and there is the possibility that faculty will be excluded from participation in policy-making within the university. The industrial model for collective bargaining seems unsuited to the circumstances of the university.

4. *Formal Collective Bargaining under New Legislation.*

The new legislation would take into account the peculiarities of universities as institutions and would provide for dispute resolution not involving strike or lock-out.

The chief advantage of conducting discussions or negotiations at the local level (whatever the model) is the preservation of local autonomy to make decisions that appear suitable to the local circumstances. Though external constraints do exist (e.g. government control of finances), nevertheless, the university would be relatively free to allocate available resources as it sees fit. The chief disadvantage of local negotiations is that the university has little independent control over its source of revenue. This means that the administration's freedom to satisfy faculty demands is limited.

C. *Provincial Negotiations with Government*

Local associations would federate in provincial bodies (like O.C.U.F.A. or F.A.P.U.Q.) to negotiate directly with the government, either in a manner similar to that of civil servants, or else under separate legislation. The chief advantages of provincial negotiations are that faculty would have direct access to the source of money, procedures for dispute resolution would be regularized, and faculty would be assured of a standard of salary and benefits comparable to the civil service. The chief disadvantages would be the erosion of local autonomy, the acceleration of the move to a provincial system, the probable existence of uniform salary scales that may be inflexible, the danger to existing privileges, and the erosion of institutional and individual initiative.

No consideration was given here to the possibility of replacing existing faculty associations by unions. This is clearly a possibility and could operate at both the local and provincial level. Teachers in the community colleges of Ontario now bargain through the Civil Service association, and this is a development that faculty may have to consider.

R. Dubinski

PROFESSORIAL UNIONISM and COLLECTIVE BARGAINING: A FEW FUNDAMENTAL PRINCIPLES

I. *The Academic as Bargainer*

In 1968 Professor A. Robinson was able to write in the Bulletin, [1] "However the question now is whether collective action would improve the present salary and working conditions of the academic. On the other hand, unionization of university teachers would make it difficult to maintain the status of the academic as a professional man in the same sense as physicians, lawyers and dentists, and it would break down the traditional image of the professor as an independent professional expert, both within the university and with the public at large."

Though the "image" of the university professor is not the subject of the present paper, I do have a strong urge to comment. In Québec, and elsewhere where government medicare has been installed, doctors are unionized, have bargained collectively with their employer (the State) and are now operating with working conditions regulated by a collective agreement. If this has tarnished some kind of desirable image, I see no evidence of such a change. In any case, the whole question of images and status is largely hypocritical. Most new professors shy away from the elitist approach and see themselves rather as doing a job, a very important job, but still a job. If our image has to depend on our neglect of our own working conditions, wages or defence of academic values and freedom we are a pitiful lot to say the least. Surely our image should and will be a function of our professional excellence, our contribution to students and the wider social community.

1. A. Robinson, "Would Collective Bargaining Increase Academic Salaries?", **C.A.U.T. Bulletin,** Dec. 1968, pp. 70-77.

Today, at l'Université du Québec à Montréal (UQAM) the Syndicat des Professeurs du Québec (SPUQ) affiliated with the Confederation of National Trade Unions (CNTU) has been certified as bargaining agent and has had to strike to support its collective bargaining position. It now has wages, working conditions and other issues regulated through a bilaterally arrived at collective agreement. At l'Université de Sherbrooke all but one of its faculties have submitted certification requests to the Department of Labour. At l'Université de Montréal, the present executive was elected on a platform of unionization and an organization drive is currently (December 1971) underway. The law faculty there has already submitted a request for a bargaining certificate.

In the Province of Québec, university professors fall within the jurisdiction of the general Labour Code, so that their eligibility under the "employee" definition does not constitute an obstacle to unionization and the benefits (and obligations) that flow from the act.

II. *Recent History of the University Labour Market*

"The outlook for academic salaries therefore looks bright. The market for academics is clearly a seller's market. The question is whether unionization of the academic profession would enable academics to benefit more from the market situation than with the present loose organization." [2]

It is obvious that when the market situation is overwhelmingly favourable significant improvements will follow. But it is precisely when the market forces are unfavourable that we need some kind of institutional power. It is in the down-swing that something beyond the market forces — and this does not have to be unionization and collective bargaining — must come in to play. Its role must be to maintain relative wages, increase teaching and research quality and output by maintaining staffs and protecting our academic values. I do not believe that the LIFO inventory process necessarily leads to the greatest level of academic excellence.

Three labour market changes in the university environment have brought into the open this race to unionization, something totally inconceivable half a decade ago.

First, the university has changed significantly in size and former intimate relationships between the professors and the deans, vice-rectors, rectors and presidents have been transformed into bureaucratic, centralized and insulated strict divisions of labour. The attempt to set up senates, consultative bodies with substantial

2. Ibid, p. 75

professorial representation, have often largely failed because in the crunch, on the issues that really count, the administration either fails to consult or after consultation, neglects to integrate such advice into its decision-making process. The professors have been alienated from power and find their academic values, academic freedoms, working conditions and relative salaries developed by others, often according to mysterious and questionable criteria. Worse still, professors see the very future of their institutions being compromised by administrators making wrong decisions.

Two other developments have seriously weakened job security and cause former wage differentials with other workers to diminish at a very rapid rate. [3]

On the demand side, the student population explosion that followed by some 18 years the baby boom of the mid-forties (i.e. products of the return of the servicemen from World War II) is now over (1946 + 18 = 1964). This fall in the demand (or at least the fall in the rate of growth) has resulted in cut-backs in expansion and in most cases cut-backs in existing staffs and facilities. In Québec this writer is aware of unilateral, non-negotiated firings (non-renewals) at l'Université de Montréal, McGill University and Loyola College. This negative reaction by university administrators and the government departments of education is short-sighted, unfortunate and dangerous. Would it not have been a more sensible approach to at least maintain existing staffs and improve the quality of professor-student contact periods or to increase research possibilities ? What we actually observe is just the opposite: demands on departments to increase student-professor ratios, demands on departments to increase course loads.

One should orient the rate of faculty and facility growth steadily and in terms of long run social goals, not by the panic "stop-go" process we witness today.

This fall on the demand side has been accompanied on the supply side by a very large increase in the production of Ph.D's. Since most find their way into university teaching, they produce a still greater insecurity of employment and extra downward pressure on salaries (or at least a reduction in the rate of increase). [3a]

III. *The Propensity to Unionize*

Professors have been looking very closely at the union model (i.e. the traditional industrial model) as one of the ways to achieve

3. See FAPUQ (Fédération des Associations des Professeurs du Québec), Bulletin No. 18. Its revelations are absolutely **alarming !**

3a. This is an overall analysis for certain disciplines (economics, some natural sciences, medicare) the increase in demand (within and without the university has probably exceeded the increase in supply).

greater job security, adequate remuneration and meaningful substantial participation in the decision-making process at the universities. There are other models, but since they are dealt with elsewhere in this symposium, I shall omit such alternatives from the present papers.

The (A-B) theorem: The intensity of the propensity to unionize (represented by the symbol i and bargain collectively[4] may be analyzed in the following names. We label state A, the situation in which the professor would like to find himself in terms of such aspects as academic decision-making power, working conditions and salaries. We label state B, the situation in which he actually finds himself in respect of these conditions (as perceived, of course). Then the relationship between the dependent variable i and the two independent variables A, B is as follows:

$$i = (A\text{-}B).$$

If we ascribe arbitrary quantities to the independent variables we have:

when $A = 10$ and $B = 6$

$\therefore$ i, $(10\text{-}6) = {}^{4}$

when $A = 10$ and $B = {}^{2}$

$\therefore$ $i_2 = (10\text{-}2) = 8$

It may thus be seen that, given an unchanging A (i.e. the aspirations or ideal or desired state) it is the variation in the state of actual conditions that determines the intensity of the propensity to unionize, (or the drive to some other model).

This equation has important explanatory and predictive power once we go into the determinants of the independent variables in any specific case. Elements of B may be seen in the section II above.

Variable i can also be treated as the degree of disequilibrium experienced by faculty and the greater the degree of disequilibrium, the greater the desire (need to move toward an equilibrium position).

Thus at York University, since professors possess a high degree of decision-making power, since salary increases have been way above the national average, since its rate of expansion of faculty and facilities has been relatively very high, it is likely that given A, their propensity to unionize and impose bargaining on the administration is close to zero.

4. To "bargain collectively" as used here in identical to that of the labour laws, i.e., the imposition of the legal obligation on an employer to bargain in good faith (i.e. to make concessions).

In Alberta the disequilibrium has been overcome through voluntary recognition of the non-certified association and the signing of a collective agreement. It is in effect the variations in the state B, the actual conditions that reveals the great differences in i as between the various universities in Canada. Thus at the University of Saskatchewan and York where professors apparently have a preponderant degree of power, there should be less need to resort to coercion to achieve equilibrium. A recent conversation with a York professor leads this author to suspect that BVA, making i negative. They appear to have more power and responsibilities than they want. May I facetiously suggest that they unionize to achieve the power to press for the return of some of this unwanted power and responsibilities to wherever they feel these belong.

IV. *The Meaning of Bargaining Power*

I cannot overemphasize the risk of deception awaiting those who imagine that the obtaining of a bargaining certificate will in and of itself produce bargaining power for the unit. Indeed there is no reason to believe that unionization *per se* increases bargaining power.

The prerequisites to the attainment of a significant degree of bargaining power are: (1) that the members be fully informed — through workshops, discussions, reading material, etc. — of the legal right and obligations of a certified union;[5] (2) there must ensue extensive discussions on the possible sources of bargaining power and ways of achieving them. Such discussions are by tradition largely economic in nature though the university situation will undoubtedly call for a high degree of political action.

The traditional union bargaining power model is based on the existence of a private employer who will suffer a loss — which he wants to avoid — if his production is cut by a withdrawal of essential labour services. Therefore the bargaining power of the union in that context is linked to its ability, collectively, to stop all production. The potential loss of sales — and of course, profits — is supposed to act as an incentive in coercing the employer to concede and move in the direction of the union's demands. In fact bargaining power can be defined as "the ability of one side to force the other side to agree on its terms". The employer will be at a greater disadvantage if there exist competitors who will supply his clients — and perhaps convert them permanently — in the event of a strike.

5. Blind faith and obedience to leaders' orders can substitute for knowledge, but I don't believe this can operate in the intellectually curious university environment.

But is this model based almost entirely on concessions flowing from a desire to avoid economic loss relevant to the university situation ? In the first instance, we don't really even know who our employer is — i.e. on whom do we exert this pressure, this incentive to concede on our terms — is it the university administration or the provincial Department of Education, or the Department of Civil Service ? [6] As well, the model can be made to work if the economic losses can be replaced by political losses for those holding key power positions.

Thirdly, and following the discussion of the private sector model, will the clients be able to find a substitute product at a competitor's place of business ? The answer is clearly "no", the clients (students) are locked into a monopoly situation. Is it possible that the students will be hardest hit ? Or are they just as well to study at home than sit in classes with unmotivated, frustrated professors ? Can they sue the university to recover such tuition ? Can they demand courses for tuition already paid ? Will students comprehend the position of the professors and will they join in exerting pressure on the administration ?

V. *Sources of Bargaining Power*

The appropriate models for university unionism are still to be discovered. It will doubtless vary between the different institutions and provinces in response to differing values of i. It should then surprise no one that the sources of bargaining power have not been widely discussed and that no impressive and exhaustive lists exist. But some efforts have been made to spell out some sources of coercion (the central ingredient in the traditional meaning of bargaining power). [7]

Professor Peter Walmsley [8] of our C.A.U.T. committee has drawn up a list (which I have altered ever-so-slightly).

Direct Internal

Preferably after formation of alliances with the other components of the university community, students and non-teaching personnel.

(a) Withdrawal of services
(b) Harassment
(c) Embarrassment

6. In recent Québec university salary discussion the government has imposed their civil servants wage policy.
7. See Proceedings of 13th annual meeting IRRA (1960), papers by Stevens and Joseph; S. Barkin, "Union Strategy in Negotiations", in Collective Bargaining Contracts, the Bureau of National Affairs, Wash., 1941; J. E. Maher, Labour and the Economy, Alwyn & Bacon, Boston, 1965, pp. 115-119.
8. Unpublished document, 1971.

Direct External
Recourse to civil courts.

Indirect External
(a) General publicity
(b) Lobbying
(c) Political action

Activities outside the system
etc.

This is of course no recipe for instant bargaining power, but a meaningful search begins from this type of list.

Other sources of the bargaining power complex are (a) size of union funds, (b) cohesiveness of a faculty, (c) wise deployment of tactics.

The recent strike at the U. de M. showed that some disciplines can hold out longer than others because of the very nature of the profession.

In the event of a withdrawal of services the social science and arts faculties can more easily hold classes outside the institution: a sort of "parallel university". It is virtually impossible for biologists and chemists to do without extensive laboratory facilities. The psychologist who has been conditioning his set of mice for 4 months can suffer serious loss (un-conditioning) should he stay away for even a few days. In spite of this, the UQAM/SPUQ strike did not apparently run into these kinds of obstacles.

VI. *Non-negotiable Issues*

Some issues are really beyond the negotiating table. Such concepts as academic freedom and the safeguarding of academic values (teaching methods, evaluation standards, etc.) are parameters of the system within which some trade-offs can take place. In the factory environment, the existence of meal periods, physical punishment, respect for the law, are non-negotiable parameters. The academic concepts mentioned at the outset are neither "managements rights" nor "professorial rights". They are inherent to university activity. There are essential complements to professor-student contacts (courses, etc.), research and professional writings and activities. These must in every instance remain in the hands of the professors themselves (and violations judged by committees made up exclusively of peers). They cannot be transferred to administrators or government departments without destroying the essential characteristic of the university. Unfortunately, and even before any unionization actually takes place, these parameters have in many instances, already been usurped by bureaucratically-minded administrators, or what is worse still, by government functionaries.

It is more difficult to locate the appropriate locus of decision-making power on such issues as workloads, class size, sabbaticals, secretarial service, professor/student ratios and allocation of teaching and research, although the department would appear the most likely level.

Many professors have expressed the fear that certain conditions which we now enjoy may be put on the bargaining table for re-negotiating in the context of unionization and formal collective bargaining.

If an association has not discovered (or created) sources of a high degree of bargaining power in its specific context it could end up losing something. On the other hand, it is important to be aware of the fact that the erosion has already gone on for sometime now, even without the more formal relationship. It is also of great interest to know that SPUQ's UQAM job tenure clause is far superior to anything currently in practice anywhere in North America. They have permanence (tenure) after 4 years or a generous equivalent.

Some have commented that too much job security leads to apathy and low standards. Such contentions are complex and yet to be proved. It may also interest some to note that the journalists on newspaper *Le Soleil* signed a collective agreement in August 1971 containing very detailed safeguards of the journalist's professional ethics and standards. Incidentally, they also got a 23% wage increase for 3 years while the U. de Montréal's final offer to its professors (December 1971) was 3.49% for one year. [9]

VII. *Conclusions*

The title of this section is a misnomer, these are no conclusions — only beginnings. Initiatives by faculty associations will be taken in various directions over the next few years in an effort to achieve an acceptable level of i.

The challenges are formidable since these types of institutions, in spite of the very innovative and creative nature of their objectives, are very slow to change. This inertia emanating from administrators the government and the trend to usurping power from faculty is a powerful force. If we are to re-orient the development of universities in terms of our views of society's future needs, then the tasks which lie ahead will require a high degree of dedication, tenacity and imagination.

In spite of all the limitations of the traditional, conflictual model outlined above, the Québec Universities are rapidly moving toward such unions because they appear as the best of the range of imperfect instruments offering some hope of redress. Bernard Brody

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9. The 3.49% was the only increase in salary scales. The wage bill (promotions, merit increases, new hires, etc.) would increase by an additional 3 31%.

Note : The french text of Professor Brod's paper will appear in Vol. 3 No. 4 of C.A.U.T. 1972 A.C.P.U.

CARLETON UNIVERSITY

PRESIDENT
AND VICE-CHANCELLOR

Interested persons are invited to propose names, preferably with a statement of support, for the position of President and Vice-Chancellor of Carleton University.

The Search Committee,
Room 607,
Administration Building,
Carleton University,
Ottawa K1S 5B6.

REPORT on SIMON FRASER UNIVERSITY, III

November, 1971

Following the report of the Palmer Committee, constituted to determine whether there was cause for dismissal of seven faculty members in the P.S.A. Department of Simon Fraser University, President Kenneth Strand unilaterally determined that the recommendation of the Committee was invalid. On 30 July 1970, the President offered new hearings to the suspended faculty with a deadline for reply of 4 August. Four of the faculty members, Professors Ahmad, Briemberg, Feldhammer, and Wheeldon, agreed to a new hearing under protest, since their only alternative was summary dismissal. Two others, Professors Aberle and Potter, did not agree to a second hearing and on 17 August 1970 were dismissed with three months' salary. A seventh professor, John Leggett, was notified that suspension was lifted and that dismissal charges were withdrawn, since his contract was due to expire on 31 August. His contract was not renewed. [1]

A separate hearing committee had been established in January 1970 under the chairmanship of Professor Rosenbluth (U.B.C.) to hear charges against P.S.A. Professor Nathan Popkin. It rendered a unanimous decision of no cause for dismissal on 18 November 1970, and Professor Popkin was reinstated. [2]

A second hearing committee was established for Professor Wheeldon on 15 December 1970; its members were Professors H. Weinberg (Psychology, S.F.U.), named by President Strand; P. Burns (Law, U.B.C.), named by Professor Wheeldon; and D. Johnston (Law, Toronto) as Chairman. The committee held hearings for some 25 days between 21 January and 14 June 1971. The Committee found itself unable to acquire a large number of documents which Professor Wheeldon had argued were necessary for the presentation of her case. In consequence, the Committee ruled that the University was a party to the dispute, in order to permit production of documents which the President had argued he could not provide inasmuch as they were not in his sole power, but in that of such university agents as the Dean of Arts, the University Tenure Committee, the trusteeship committee for P.S.A. (etc.). [3]

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1. A fuller report of these events was published in the C.A.U.T. **Bulletin** (Vol. 19, No. 1), Autumn, 1970.
2. The Rosenbluth Committee report was published in the C.A.U.T. **Bulletin** (Vol. 19, No. 2), Winter, 1971.
3. These events are discussed in greater detail in the report of the Johnston Committee, dated 3 September 1971. The report was published in the autumn issue of the C.A.U.T. **Bulletin.**

As a result of this ruling, and despite the Committee's explicit caution that the ruling should not disturb "the separation of functions of specified committees as established under S.A.F.T." (the S.F.U. Statement on Academic Freedom and Tenure), the Board of Governors of S.F.U. announced on 14 June 1971 that it was suspending Section IV (the dismissal procedures) of S.A.F.T. as it applied to Professor Wheeldon. The possibility of such a ruling as that given by the Committee had been apparent for at least a month, and had been indirectly raised at the very beginning of the hearings. The President earlier in the hearings had argued that he was "custodian" of the S.A.F.T. and as such could refuse to deal with a decision based on procedural irregularities (a position he had taken earlier in relation to the Palmer Committee). This despite his assurance on 25 November 1970 to the President of the S.F.U. Faculty Association that "there should be formal recognition of the long standing practice of shared responsibility between the President and the Faculty Association for the examination of alleged violations of Academic Freedom and Tenure procedures. I accept this in principle and in practice." On 14 June the President announced that he was reinstating Mrs. Wheeldon for the remainder of her probationary appointment, but that he would not withdraw the charges against her inasmuch as "the hearings had been terminated by the actions of a body external to him, the Board of Governors, and not by his own action."[4] There is no record that the President objected to this action of the Board.

On 13 June, having been informed of a crisis in the hearings, the Executive of the S.F.U. Faculty Association held an emergency meeting and unanimously passed a resolution urging the Board to consult with it, inasmuch as "the Statement on Academic Freedom and Tenure is an agreement between the Board of Governors and the Faculty Association." Although the President did meet with the Executive for a period prior to the meeting of the Board on the evening of 13 June, the Executive did not meet with the Board, although its resolution was read to the President by telephone prior to the disbanding of the Board. No consultation ensued; neither was there any response to another section of the Executive's resolution, that inasmuch as "the action of the Board and the President in interfering with an on-going hearing committee has jeopardised the chances for a fair and impartial hearing of the dismissal charges brought by the President against Professors Ahmad, Briemberg and Feldhammer... it is necessary in the best interests of the University community that the charges against those three faculty members be withdrawn also and that they now be returned to their normal teaching duties."

Rather, a quite opposite action was launched. On 17 June 1971, President Strand recommended to the Board that the S.A.F.T. Section IV and Section VII (governing procedures for reviewing and revising the Statement) be *rescinded* (and not merely suspended, as in the action of 13 June), and that Professors Ahmad, Briemberg, and Feldhammer be dismissed. The Board approved both recommendations, which were made public on 18 June.

As a result of these actions, the Executive of the Faculty Association met again on 18 June, and passed a resolution of non-confidence in the President and Board of Governors (the full text of this resolution appears as *Appendix 1*). On 22 June, C.A.U.T. issued a press release condemning the unilateral revocation of crucial sections of the S.F.U. regulations and the dismissal without hearings of three professors (the full text of this press release appears as *Appendix 2*).

4. Johnston Committee Report, section II, p. 9.

Following the vote of non-confidence, the Faculty Association Executive launched a mail referendum to all faculty. Some 227 ballots were counted, with the following results: on the motion of non-confidence in the President, 83-131-13; on the motion of non-confidence in the Board, 64-136-27. The majority of members of the Executive resigned, and a new Executive was elected during July for the remainder of the year. At the normal annual election, held on 28 October 1971, an entirely new Executive assumed office.

The Johnston Committee decided to proceed to the writing of a report despite President Strand's statement that the Committee was *functus officio*, without further jurisdiction. The Committee unanimously concludes that no events leading to these decisions justified the termination of the hearings or the suspension of Section IV of S.A.F.T. On the substantive issue of the proceedings against Professor Wheeldon, the unanimous judgment of the Committee is that "Because the University bears the burden of showing cause for dismissal and now, through its unilateral act, cannot, we find there is no cause for dismissal." [5]

5. **Ibid.**, section IV, p. 57.

SIMON FRASER MOTION

WHEREAS the President and Board of Governors of Simon Fraser University have unilaterally rescinded the dismissal procedures established by joint agreement of the SFU Faculty Association and the Board; and

WHEREAS the President and Board have dismissed three professors without hearings to establish whether there was cause for dismissal, despite the undertakings given by the President and Board to provide such hearings; and

WHEREAS these actions effectively destroy tenure and all protection for academic freedom at Simon Fraser University,

BE IT RESOLVED that C.A.U.T. advise all faculty members that they should not accept employment at Simon Fraser University, and that this advice be widely advertised in the professional journals of Canada, the United States, and the United Kingdom.

Resolution of Council, November 1971.

TERMS of REFERENCE, MEMBERSHIP and PROCEDURES of the ACADEMIC FREEDOM and TENURE COMMITTEE

1. The Committee on Academic Freedom and Tenure is charged with the responsibility of dealing, on behalf of the Association, with appeals made to it in connection with situations where a faculty member feels that his professional rights have been infringed or are threatened with infringement. (Policy Statement on Academic Appointments and Tenure.)

2. The Committee shall be composed of eleven members including the Executive Secretary and the Senior Associate Executive Secretary. The Chairman and members of the Committee, other than the Executive Secretary and the Senior Associate Executive Secretary, shall be appointed by the Executive on the recommendation of the Academic Freedom and Tenure Committee. Suggestions for nominations for the Committee will be solicited by the Committee from members of C.A.U.T., local and provincial associations, and from the Executive by advertisement in the *C.A.U.T. Bulletin* or in the *C.A.U.T. Newsletter* prior to 1 December. Such suggestions must be received by 2 January. The Academic Freedom and Tenure Committee will present its nominations with biographical details to the Executive by the end of February, keeping in mind the desirability of appropriate balance in terms of geographical representation, discipline, and experience. If the Executive rejects nominees, the Academic Freedom and Tenure Committee will be asked to propose other names, and the Executive may suggest other names to the A.F. & T. Committee for evaluation.

3. The terms of office of the Chairman and members of the Committee, other than the Executive Secretary and the Senior Associate Executive Secretary, shall normally be three years and shall be arranged to ensure a reasonable continuity in the membership.

4. The Senior Associate Executive Secretary shall be the Secretary of the Committee.

5. The quorum for Committee meetings shall be six members of the Committee.

6. The Committee may deal with grievances from faculty members at institutions with associations affiliated to the Canadian Association of University Teachers, but not normally from individuals or associations not affiliated to C.A.U.T. unless an unusually serious threat to academic freedom is involved.

7. Appeals to the Committee are normally dealt with, in the first instance, by the professional staff of C.A.U.T. in consultation with the Chairman of the Committee, who bring the case to the Committee unless the documentation is incomplete or the case does not appear to merit consideration. Cases which are not brought before the Committee may be appealed by the Faculty member concerned and such appeals will be heard by a subcommittee of the Academic Freedom and Tenure Committee whose decision as to whether the case should go before the Committee is final.

8. The basic procedures of the Committee in dealing with cases appealed to it are those laid down in the Polcy Statement on Academic Appointments and Tenure and in the Guidelines concerning Investigational Procedures, Grievance Procedures, Procedures relating to Censure, Procedures concerning Joint Inquiries involving C.A.U.T. and A.U.C.C., Procedures concerning Reductions in Academic Appointments for Budgetary Reasons; and the Policy Statements on Equal Opportunities for Women Faculty Members and on Canadianization and the University, all of which may be found in the C.A.U.T. Handbook.

September 24, 1971.

MANDAT, CONSTITUTION et PROCÉDURE du COMITÉ DE LA LIBERTÉ UNIVERSITAIRE et de la PERMANENCE de L'EMPLOI

1. Le Comité de la liberté universitaire et de la permanence de l'emploi a pour fonction de s'occuper, au nom de l'Association, des appels dont il est saisi lorsqu'un professeur juge que ses droits professionnels ont été lésés ou qu'ils sont menacés de l'être. (Énoncé de principes relatif à la nomination des professeurs et à la permanence de l'emploi.)

2. Le Comité est composé de 11 membres, y compris le secrétaire général et le secrétaire général adjoint senior. Le président et les membres du Comité, sauf le secrétaire général et le secrétaire général adjoint senior, sont nommés par le Bureau de direction sur la recommandation du Comité de la liberté universitaire et de la permanence de l'emploi. Le Comité sollicite des candidatures des membres des associations locales et provinciales de l'A.C.P.U. et du Bureau de direction en faisant paraître une annonce dans le *Bulletin de l'A.C.P.U.* ou le *Communiqué de l'A.C.P.U.* avant le 1er décembre. Les propositions de candidatures doivent être reçues au plus tard le 2 janvier. Le Comité de la liberté universitaire et de la permanence de l'emploi présente au Bureau de direction, pour la fin de février, la liste de ses candidats accompagnés de notes biographiques, en se rappelant qu'il est bon de conserver un équilibre approprié du point de vue de la représentation géographique, des disciplines et de l'expérience. Si le bureau de direction rejette un candidat, le Comité de la liberté universitaire et de la permanence de l'emploi est invité à en présenter d'autres. Le Bureau de direction peut proposer d'autres membres du Comité de la liberté universitaire et de la permanence de l'emploi à des fins d'évaluation.

3. Le mandat du président et des membres du Comité, à l'exception du secrétaire général et du secrétaire général adjoint senior, est normalement de trois ans et est ordonné de manière à assurer une continuité raisonnable de la composition du Comité.

4. Le secrétaire général adjoint senior fait fonction de secrétaire du Comité.

5. Aux réunions du Comité, le quorum est de six membres.

6. Le Comité connaît des griefs relatifs aux professeurs dans les institutions où il y a des associations affiliées à l'Association canadienne des professeurs d'université; normalement il ne s'occupe pas de griefs provenant de personnes ou d'associations qui ne sont pas affiliées à l'A.C.P.U., à moins que la liberté universitaire ne soit menacée d'une façon particulièrement grave.

7. Les appels au Comité sont normalement étudiés, en première instance, par le personnel professionnel de l'A.C.P.U., en consultation avec le président du Comité; le personnel saisit le Comité du cas à moins que la documentation ne soit pas complète ou que le cas ne justifie pas une étude. Les cas dont le Comité n'est pas saisi peuvent faire l'objet d'un appel de la part du professeur en cause; ces appels sont entendus par un sous-comité du Comité de la liberté universitaire et de la permanence de l'emploi dont la décision d'en saisir ou de n'en pas saisir le Comité est définitive.

8. Lorsque le Comité est saisi d'un appel relatif à un cas, il suit la même procédure que celle qui est explicitée dans l'énoncé de principes relatif à la nomination des professeurs et à la permanence de l'emploi, et dans les directives relatives aux procédures d'enquête, à la procédure d'examen des griefs, à la procédure relative à la censure, aux procédures relatives aux enquêtes conjointes de l'A.C.P.U. et de l'A.U.C.C., aux procédures relatives à la réduction du personnel enseignant pour des raisons d'ordre budgétaire, de même qu'à l'énoncé de principes relativement à l'égalité de chances pour les professeurs de sexe féminin et sur la canadianisation et l'université, tous ces documents étant publiés dans le Guide de l'A.C.P.U.

le 24 septembre 1971.

book reviews | *comptes rendus*

Axelrod, Joseph, et al. *Search for Relevance : the Campus in Crisis.* San Francisco: Jossey-Bass, 1969. $7.75.

Addressed to students, administrators and faculty members "at this critical time", *Search for Relevance* is the joint work of an academic quintet comprising Joseph Axelrod, professor of higher education at San Francisco State College; Mervin B. Freedman, professor of psychology at the same institution; Winslow R. Hatch, of the research branch of the Division of Higher Education of the United States Office of Education; Joseph Katz, associate director of the Institute for the Study of Human Problems, at Stanford University; and Nevitt Sanford, professor of education and psychology at Stanford, and director both of the institute to which Katz is attached as well as of the newly established Wright Institute at Berkeley. Axelrod and Freedman are General Editors of the Jossey-Bass Series in Higher Education, and all five are well represented in the twenty-six pages of bibliography, about three hundred items in all, provided by *Search for Relevance.*

As the title and sub-title imply, this work is one of a plethora of stable-door-locking efforts inspired by recent student stampedes in the United States. Given some of the common assumptions of its authors — e.g., that "the present college is a nineteenth-century convention . . . poorly equipped to deal with the complexity and swift rate of change of modern life"; that college curricula "have changed little except by accretion since the early years of this century"; that "the social organization of the college and most of its teaching procedures are medieval in origin" — the initial word of the title may be taken as imperative rather than appelative. Certainly the attempted analysis of current stateside campus unrest, though not necessarily the solutions proffered, may be of some relevance to the Canadian scene, where the sound of tiny hooves has increased perceptibly of late.

In all equity, however, there remains a nagging doubt that the book finally accomplishes what its Preface proposes: to offer "a theory of student development from which goals of education derive", and to present "new programs for the achievement of these goals". In Part One, "Fixing the Destination" (mainly, it would seem, the work of Sanford, who is credited with special

responsibility for personality theory and long-range goals), there is a nice balance of philosophy and practicality that facilitates the forging of a tenuous but coherent chain from Homer to Arrowsmith. Indeed, the latter's restatement of the classical purpose of education — "the molding of men rather than the production of knowledge" — informs rather more than just this section of the work. The most damning charge levelled against the status quo is that "most American colleges have little effect on the attitudes and values of students", and that the chief result of attending college, except for a few institutions, primarily small liberal arts colleges, is "that students become more like one another" (p. 3). Where evidence is found to suggest that the college experience *does* make a difference, researchers conclude that "the influences producing the change are factors other than the educational program as conceived and implemented by the faculty" (p. 5).

Part of the trouble with the conventional program is its bias towards vocational goals and a concomitant anxiety to leave no lacuna; the bird must be compactly and comprehensively stuffed to please all professional palates:

> Today's college student needs preparation for a world in which he must play a variety of roles and even adopt new occupational roles, perhaps several times during his life; an impersonal world in which he must nonetheless manage to remain an individual and assert his individuality; a world with an awesome potential for either Utopia or disaster. How can the college possibly teach this student all that he must know ?
>
> The truth, of course, is that it cannot. What the college teaches, and how well, are far more important than how much it teaches — explosions in knowledge notwithstanding. It is time for us to act on the knowledge that education is not a matter of how much content has been poured into the student, and that educational growth is not in a one-to-one correspondence with the number of required lectures. Dramatic changes can take place in a moment, under the right circumstances, regardless of the amount of material covered. Most often, these circumstances will involve a personal encounter between the student and a faculty member he admires. Educational history may well be made by the first college that *reduces* the amount of material offered in its curriculum in order to give faculty members the time they need to reach their students. (pp. 11-12.)

Although there are ways in which students can and must share in directing their education, because they are still at a developmental stage concerned with the problems of identity and self-esteem they

are not yet completely ready to direct their own development. "The teacher's role is not only to provide appropriate external challenges, but also to turn the student's scrutiny inward in search of the sources of his beliefs" (pp. 21-22). The author suggests how this may be done in such areas of study as literature, history, politics, anthropology, economics and sociology; always cognizant of the fact that the major purpose of a college education is the development of the individual:

> As educators we must aim at helping each student to develop, to the highest degree possible, a rich and varied impulse life as well as a repertory of intellectual skills and abilities. Certain qualities of intellect, character, and feeling distinguish the educated person. His conscience is refined and enlightened. The processes by which he judges events and manages actions are strong and flexible. He is adaptively responsive to the myriad of stimuli without and in close touch with the deeper urges and emotions within. He has freedom of imagination and an enduring capacity to be fully alive. When these kinds of development occur in students, education is taking place; and faculty members may enjoy a sense of contentment with their work. (p. 26.)

The final chapter in this first part of the book advocates various ways of developing in students the qualities of "Independence, Creativity, Responsibility". For example, "It would be valuable if two members of the faculty could be present at the same time in a course or seminar so that they could argue and thus demonstrate to students how honest differences can be debated rationally — how people who do not agree may still communicate" (p. 28). As for the kind of "liberated, highly advanced student", increasingly encountered today, "Once we have identified them, we should treat them more as colleagues, taking them into our confidence and letting them participate in decisions affecting them" (p. 29). And to the perennial plague of grading, the following is addressed:

> Education will not encourage creativity until a basic change takes place in the system for rewarding students. Raushenbush (1964) remarks that there are "A" students who completely avoid deep involvement in their education. It will be recognized, in time, that what students need is not grades but criticism of their work. ... The argument is frequently advanced that we must grade so that students can present a proper record to graduate schools and employers. Our answer is simple: Let graduate schools and employers test their candidates in accord with their individual criteria. This is not the job of the colleges. (pp. 35-36.)

Part Two, "Relevance or Violence", begins well with a couple of chapters, proposing new lamps for old, aimed at promoting a more personal relationship between faculty and students; at eliminating "out-dated curricular polarities" (e.g., general education versus specialized education, liberal arts curricula versus professional curricula, transfer programs versus terminal programs); and at reuniting the campus with both the local community and the world community. Practical details of the means towards these ends are outlined, and some of them developed in later chapters; e.g., in Chapter 9, "Four New Models", perhaps the most concrete, though not the most persuasive, chapter of all. A disproportionate amount of Part Two is then devoted to student activism, apparently to emphasize once more the shortcomings of contemporary curricula, specifically their failure to be "relevant". This is surely the sledge-hammer applied to the thumbtack. Moreover, it is too blandly assumed that the primary failure on the part of faculty members is in devising "relevant" curricula, rather than, as some of us would suspect, in demonstrating convincingly to students the true, if not always immediately apparent, relevance of much traditional material.

The rot spreads. Part Three, pretentiously titled "From Folklore to Knowledge", is, alas, the disaster-area of this work. (Perhaps others may endure more patiently reiterated assertions that students learn more from their peer-group than from anyone else; without wanting to yell back, "From whom-the-hell do their peers learn ?") Not that there aren't occasional insights in Part Three worth the effort of excavation; but the jargon thickens, the style grows turgid, and — that predominant passion of the social sciences — common-sense is complicated almost out of recognition. A tendency, fairly constant throughout the book, to seek refuge in references to other works (especially those by the joint authors), here reaches intolerable proportions. The apogee of academic log-rolling occurs in an asterisked note five pages from the end: "See, for example, Axelrod (1967, 1968), Freedman (1967), Hatch (1960, 1965), Katz (1968), and Sanford (1962, 1964, 1965, 1967)." Such a note should be made to carry the joint-signature of the five authors of *Search for Relevance*. Even as it stands, it risks making the reader resolve, however irrationally, never to "see" any one of them again.

S. F. Gallagher,
Trent University.

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